

## SENATE—Wednesday, April 23, 1986

(Legislative day of Monday, April 21, 1986)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our prayer this morning will be led by Dr. Billy Graham, worldwide known preacher. We are glad to have him with us.

## PRAYER

The Reverend Dr. Billy Graham offered the following prayer:

Our Father and our God, as we approach the 200th anniversary of our Constitution, we praise You for this great Nation that is called America. We realize our greatness has come only because You have chosen to lead us and bless us as a nation, and we thank You from the bottom of our hearts for Your grace to us, which we do not deserve.

We thank You also for the firm moral and spiritual values of our forefathers—values which they found in Your everlasting Word. For them, the words "In God We Trust" were more than an empty slogan on our coins—they formed the very foundation of their lives and our society. We remember that Your Word has said, "Blessed is the nation whose God is the Lord." (Psalms 33:12).

But, our Father, we confess we are in danger of slipping away from the moral and spiritual values which have made us great. We are in danger of losing our way in the midst of other voices that would urge us to put our trust in man rather than in You. And yet we know that any path which rejects Your truth and the values You have given us is a dead-end road that ultimately leads to only chaos and destruction. We know this has happened before in our history, and always we have been brought back as men and women have turned in repentance and faith to You. Our Father, once again we are in need of that same kind of spiritual awakening—a revival of the spirit which will touch our hearts and make us again seek first Your kingdom and Your righteousness. Convict us as a nation of our need of You, and cause us to return to You so we can find the right path again and have peace in our hearts and in our world.

What we pray for our Nation we also pray for each individual in this great body today. Where there are spiritual needs in our lives, cause us to face them honestly, and humbly turn back to You. Help us today to repent of our sins, accept Your gracious offer of for-

givenness and new life, and repeat in our hearts those brave words of the Declaration of Independence: " \* \* \* with a firm reliance on the protection of the Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor."

Bless also our families, and cause us in both our public and private lives to live according to Your will. Give wisdom also to each elected Senator in this body today as decisions are made that will affect our world and our people.

We also pray for our President, and for all others in our Nation, and in other nations, who are in positions of authority. Give us a new passion for justice, a new zeal for peace, a new commitment to compassion and integrity, and a new vision of what You desire us and this Nation to be.

All this we pray in the name of Jesus Christ our Lord. Amen.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished acting majority leader is recognized.

## PRAYER OF THE REVEREND DR. BILLY GRAHAM

Mr. SIMPSON. Mr. President pro tempore, we all thank deeply Rev. Billy Graham. He honors us being among us today. He is an inspiration to us all.

I met Reverend Graham many years ago, with my father, then Gov. Milward Simpson, and with former President Richard Nixon. I remember that very distinctly. On behalf of the entire Senate, I welcome you and express our thanks for your inspirational message, as expressed in that most moving prayer.

(Mr. LAXALT assumed the chair.)

Mr. THURMOND. Will the acting majority leader yield?

Mr. SIMPSON. I do.

Mr. THURMOND. Mr. President, it is a genuine pleasure to have Dr. Graham here today. He is a great preacher, a great man, a great American.

Incidentally, his first big campaign was held in South Carolina. We are very proud that we started him off and he has done well ever since.

He has preached to more people than any man who ever lived. I think his popularity has been his true sin-

cerity, his devotion to Christ, and preaching the Gospel from the Bible. We are indeed honored to have him here today and it is an honor for the Senate to have him to lead the prayer on this day.

Mr. HATFIELD. Will the Senator yield?

Mr. SIMPSON. I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I, too, would like to add my word of welcome to the Reverend Billy Graham for his prayer this morning in opening the Senate.

It has been stated that he has preached the Gospel to more people than any other person in history. I would like to say it is a very interesting point that whether it is in Moscow or whether it is any other part of the Iron Curtain countries, the Communist world, whether it is any city in our America, Latin America, Asia, or Africa, wherever in the world Reverend Graham has preached, he has had but one sermon and it has been a variation on the theme of God incarnate in Jesus Christ, the power and forgiveness of the resurrection of the crucifixion shown, the greatness and awesome power of the resurrection, and the great, magnificent power of Pentecost.

That has been his preachment; that has been his single message to people throughout the world. Indeed, it is a message of hope as well as a message of salvation.

I would like to say that my colleague JESSE HELMS and I have cosigned a letter inviting all Members of the Senate to the crusade, which opens for the first time in 25 years in Washington, DC, this coming Sunday, the 27th of April, and it will go through the period of May 4, for 1 week.

In that invitation, just one matter of logistics. There will be buses on Monday and Tuesday nights, April 28 and 29, departing from the Capitol at 6:45 p.m. Senators and their families who are interested in attending the crusade may call George Dunlop at 224-2035 for information on those buses. Those buses, by the way, are not provided at public expense but private expense.

Members of the staff are also going to be provided special transportation on Monday night, April 28.

I urge my colleagues and all members of their staff to avail themselves of hearing Reverend Graham if at all possible in their schedules. While in

the midst of our frustrations and the pressure we work under, it is indeed an inspiring and an energizing experience in faith and trust in the sovereignty of God to rule in all these matters rather than to depend upon the machinations and the manipulations of a purely political intuition.

I am delighted to welcome Reverend Graham this morning.

Mr. SIMPSON. Mr. President, I yield to the distinguished senior Senator from North Carolina [Mr. HELMS].

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I thank the distinguished acting majority leader for yielding. Of all the Senators who are pleased to have Dr. Billy Graham here today, I suspect I am the most pleased because I believe I have known him the longest. Our friendship perhaps dates back longer than either he or I would like to acknowledge. He and his remarkable family have been wonderful friends down through the years.

There are many things that could and should be said about this man. Down in North Carolina, I say to my friend from Oregon, we like to identify the many products and commodities our State exports to countries abroad. The No. 1 export from North Carolina, in my book, is Billy Graham. He has been all over the world preaching the truth, the light, and the hope of salvation. We all are familiar with the extraordinary ministry and career of Billy Graham and the fine people associated with him, for example, T.W. Wilson and others. But I think it should be noted here that not only has Billy Graham preached throughout the world; he and Ruth have reared a family which is nothing short of remarkable.

For example, Mr. President, I have had the privilege of belonging to the same church in Raleigh, NC, with one of Billy's and Ruth's daughter, Anne, and her husband, Dr. Daniel Lotz. I know of no two other young people who have done more to inspire a large segment of the population of the Raleigh area than these two fine young people.

Mrs. Lotz, the former Anne Graham, began a Bible study class for young people several years ago. Every Wednesday morning, she has filled the sanctuary of the Hayes Barton Baptist Church, women of all ages who drive 30 to 40 miles or more to hear Anne Lotz lead in Bible study, thus walking in the footsteps of her distinguished father.

So I say to my friend, Billy Graham, not only am I pleased that you are here today. You honor this Senate by your presence just as you have honored this country. You are a great patriot, a great American, and a great friend.

Thank you, Mr. President. I yield the floor.

#### SENATE WELCOMES BILLY GRAHAM

Mr. DOLE. Mr. President, we are deeply honored to welcome this morning, one of the leading figures of our times . . . the Reverend Billy Graham. His very special brand of inspiration has touched millions and millions of people the world over, and he has touched those of us here today.

History will show that he has brought the word of God to more countries and more people than any other man who has ever lived. He has served as a role model for our youth and a pillar of wisdom and strength for Presidents and Kings. But true to his humble approach to his Lordly duty, the Reverend Graham recently said "There are others who could have done it much better than I." In my view, I doubt that anyone who has ever heard you would ever agree with that statement!

Mr. President, I know my Senate colleagues join me in wishing Reverend Graham and his family all the best. May you carry on your amazing life of devotion for many, many more years.

The PRESIDING OFFICER. Who yields time?

#### SCHEDULE

Mr. SIMPSON. Mr. President, there will be the remaining time for the two leaders under the standing order of 10 minutes each, of which a portion has certainly expired as I yielded to my colleagues.

There will be special orders in favor of the following Senators for not to exceed 5 minutes each: Senator HAWKINS, whose statement will be delivered by our President pro tempore of the Senate Mr. THURMOND; Senator BIDEN; Senator CRANSTON; and Senator PROXMIER.

Then, there will be a period for routine morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein 5 minutes each.

Following routine morning business, the Senate will resume consideration of Senate Concurrent Resolution 120, the budget resolution. Rollcall votes can be expected throughout the day. However, any votes ordered on Senate Concurrent Resolution 120 after the hour of 3:30 p.m. will be held over until tomorrow, Thursday, April 24.

#### RESERVATION OF MINORITY LEADER'S TIME

Mr. SIMPSON. Mr. President, I ask unanimous consent that the minority leader's time be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SENATOR HAWKINS' SPECIAL ORDER

The PRESIDING OFFICER. The President pro tempore is recognized.

Mr. THURMOND. Mr. President, I have a statement on behalf of the able and distinguished Senator from Florida who, at this time, is in the hospital from an operation but who is improving fast and it is hoped she will soon be out.

The statement reads:

#### CRACK

Mrs. HAWKINS. Mr. President, I am sorry to say, but it is time to add two new words to our drug dictionaries: those words are "crack" and "rock." These are street-talk for the latest, most deadly narcotic to hit our communities and threaten the lives of our children.

It is hard to exaggerate the threat posed by crack. According to Arnold Washton, a psychopharmacologist at Fair Oaks Hospital in Summit, New Jersey, "Crack is the most addictive drug known to man right now . . . it is almost instantaneous addiction, whereas if you snort coke it can take two to five years before addiction sets in. There is no such thing as the 'recreational use' of crack."

What is crack? Crack is a variation on cocaine. I am not going to contribute to the problem by describing how crack is made. It should be enough to know that this deadly substance can be produced by combining cocaine with products that are found in the family kitchen. What results when the process is finished is a white substance that resembles soap or a whitish gravel. Rather than being snorted like cocaine, crack is generally smoked in a water pipe.

Imagine a drug that is instantly addicting on its first use. Think of the threat this poses to our children and our neighborhoods. We all know that kids are curious. They like to go where they should not go, and do what they should not do. Sometimes that may even mean "experimenting" with drugs. We cannot condone this, but we can understand it—we have all been kids at one time.

But crack does not give a kid a chance. There is no such thing as "experimenting" when it comes to crack. Crack steals your future and robs your soul on its first shot. There are no second chances.

Crack is not just dangerous. It is deadly, and it is frightening.

But instant addiction does not tell the whole story for crack—there is more. And it gets worse. Crack is cheap. And by cheap I do not mean \$50 a shot, or even \$30 dollars. I mean 10 to 15 dollars. For the price of a couple of movie tickets, our kids can be hooked for life.

Crack is a drug dealer's dream come true. It is cheap, it is easy to transport and it produces its own customers. How? One use and you have a repeat customer.

The only good news about crack is that it is so new that it has not made inroads into many communities. But where it has, there are reports of violence and chaos. In New York and LA there are reports of places called "rock houses." A rock house is an apartment with a steel-reinforced door. The door has a small opening through which money is exchanged for crack. The steel door protects the dealers from thieves and police alike. In some communities there are



even young gangs that protect these sleazy merchants of death.

We need to get out the word to our schools, neighborhoods and workplaces, that crack is deadly addicting. We need to tell our kids that playing with crack is like playing with fire. And we need to redouble our efforts in the war on drugs.

Mr. THURMOND. Mr. President, I just want to say that in my judgment, this is a most timely statement by the distinguished Senator from Florida. No one in the Senate has done more to reveal to the public the harmful effect of drugs than the able and distinguished Senator from Florida [Mrs. HAWKINS].

#### RECOGNITION OF SENATOR BIDEN

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware [Mr. BIDEN] is recognized.

#### A TIME TO ACT

Mr. BIDEN. Mr. President, it is time for the Congress and the President to get on with the business of adopting a budget. For the last 3 weeks the debate here in Washington has been focused on what I consider to be a very trivial issue—whose budget is to be considered and who will act first. Democrats and Republicans, the Senate and the House of Representatives, the President and the Congress have all been at odds over the mechanics of action—who goes first, who gets credit, who takes the blame.

Mr. President, I am sure you agree with me that that is not the issue. This is not a House budget; or a Senate budget; or a Republican budget; or a Democratic budget. What we are trying to adopt is a budget for the United States.

In my view, the American people do not care who acts on the budget first. They do not care about who gets credit for having their budget considered or who gets blamed for proposing a budget which contains some unpleasant news. They are concerned about budget policies that have increased the public debt by over \$1 trillion in the last 5 years. They do want a budget which will start reducing the deficits, which have contributed to a trade deficit of \$150 billion and the destruction of basic industries in this country.

The Gramm-Rudman-Hollings deficit reduction proposal, which I supported, was created in the hope that it would force Congress—and the President—to address the deficit problem. I and other supporters hoped that it could force a consensus in this body on fiscal policy where none would otherwise exist.

The budget now under consideration by the Senate has the makings of a consensus budget. It meets the deficit reduction targets of Gramm-Rudman-

Hollings in ways that deserve careful consideration—in a balanced way. It restrains defense spending. It realigns some domestic priorities without hurting essential services. And it calls for paying for itself—an unusual circumstance in my 14 years in the U.S. Senate, Mr. President. We are actually introducing amendments to spend more money and at the same time we have a companion proposal, all one and the same, saying how we will raise the money to pay for that new spending. I think it is about time.

I am not giving this budget a blanket endorsement. I may vote for some amendments, some changes in spending priorities or additional priorities. But this budget does offer a sound base for the President and Congress to use in their consideration of Federal fiscal policy for the next fiscal year.

Up to now, President Reagan has refused to participate in efforts to shape a widely acceptable budget that would reduce deficits, and begin to meet his 1981 pledge to balance the budget. Congressional budget action has been stymied by President Reagan's intransigence, his unwillingness to negotiate for any budget but his own. Yet it is clear that his budget is not acceptable to a majority of either House. The budget process has been marking time while efforts were made to persuade the President to join Congress in this deficit reduction exercise. It is clear that, without his participation in the budget process, a consensus budget cannot finally be implemented.

This Nation needs a financial blueprint. It needs a plan that will shape legislation for the rest of the year—spending bills, reconciliation, and revenue. The country needs to know that we are on track to a lower, meaning \$144 billion, deficit target for fiscal year 1987 and how we are going to get there.

The people of the United States want to know these things. They have a right to know them.

Our present budget process, as it was revised last year, is the best hope we have, in this Senator's opinion, to eliminate the deficits that threaten our economic vitality. But we must proceed quickly. Time is slipping away.

I urge the President to join with the leadership of both parties, in both Houses of Congress, to fashion a deficit reduction package that will begin to remove the specter of \$200 billion yearly deficits that hangs over our economy.

#### RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

#### THE UNITED STATES MUST NOT BETRAY ITS WORD ON THE ABM TREATY

Mr. PROXMIRE. Mr. President, the Washington Post reported on March 26 that the Defense Department is considering appealing to the President for what they call a "less restrictive" interpretation of the antiballistic missile treaty. That "less restrictive" interpretation would constitute a shocking and deliberate betrayal of this Government's solemn treaty pledge. The treaty has been consistently interpreted by our Government to prohibit testing of such new technology weapons in space as lasers or particle beams. The Defense Department wants to interpret the treaty to prohibit only the actual deployment of these systems in space. The State Department disagrees. It wants to stand by the position our Government has held since 1972 that tests in space of these new weapons would overtly violate the treaty. Last year, President Reagan "split the difference." He decided that the new interpretation of the antiballistic missile treaty permitting actual space testing was legally correct. Nevertheless, the President announced that this country would follow the more restrictive interpretation, at least for the time being. Now Gen. James Abrahamson wants the President to lift restrictive interpretation and go directly to the tests. Abrahamson claims such a policy would be most cost effective. He says the tests would save money. They would save time. They would give a higher confidence in the results.

So what is wrong with this new interpretation of the treaty? The answer is: Plenty. Consider the judgment of the two Americans who are best qualified to interpret that treaty. First, there is the legal adviser to the U.S. delegation that negotiated the treaty, John B. Rhinelander. Second, there is the chief negotiator of the treaty for the United States, Gerard Smith.

What does Rhinelander say about this interpretation of the treaty? In "Arms Control Today," the October 1985 issue, he wrote:

The new interpretation is grossly incorrect.

He added:

Unless the Congress intervenes and limits strategic defense expenditures according to the traditional U.S. interpretation, wherein development and testing of space and other mobile basing modes are prohibited, all restraints on Reagan's star wars plan may come unleashed.

What position has Gerard Smith, the principle American negotiator of the ABM Treaty, taken? He has contended that if the United States engaged in the proposed tests under the new interpretation of the treaty, the treaty would become a "dead letter."

Mr. President, the word of the U.S. Government is at stake here. What do we mean when we talk about the integrity of our country? We mean that when our country makes a promise, it keeps that promise. We respect a person whose word is his bond. In the same way, we respect a nation that lives by its promises.

In the ABM Treaty, we have more than the promise of the President of the United States. We have that. We also have a treaty signed by the President. We also have a treaty ratified by this body, the U.S. Senate. This treaty promise was not ratified by a bare two-thirds majority. We have a treaty ratified by an overwhelming 89-to-2 vote. It would be a first-class blunder to do so, but we could honorably seek to renegotiate the treaty with the Soviet Union to change its provisions. We could honorably renounce the treaty. Our Government is not preparing to do that. It is preparing to ignore the clear understanding of our own pre-eminent experts so that we can pretend we are keeping our word. How can we do that? How can we flatly reject the judgment of the two experts who are obviously the top American authorities on the treaty?

Mr. President, let us face it. We should either renounce the ABM Treaty, root and branch, or we should desist from any star wars development that goes beyond laboratory research. Isn't it common sense that the whole purpose, the single purpose, of the ABM Treaty is to stop an antiballistic missile development by either superpower? That was our American purpose in negotiating the treaty. The treaty was an American initiative. It was resisted, strongly resisted, by the Soviet Union for years. We finally persuaded them that if an antiballistic missile race got underway between the two superpowers, significant arms control, for all intents and purposes, would be dead. Why would it be dead? Because an ABM system would force the adversary to resist any proposal to reduce or limit offensive nuclear arms. In fact, it would force both superpowers to strive to counter the opposition ABM system by a head-long, sled-length production and deployment of offensive nuclear missiles.

How did we get ourselves in a position where we are on the verge of killing the treaty this country conceived, drafted, and, after years of hard negotiations, succeeded in reaching agreement on and overwhelmingly ratifying? We did it by beginning the national commitment to the very antiballistic missile system our ABM Treaty flatly prohibits. Now the administration wants to test and build the ABM system our treaty was designed expressly to stop. In the judgment of this Senator, that is a tragic mistake. But the administration is making a worse mistake. It is not straightfor-

wardly renouncing the treaty. It is imposing a transparently self-serving reinterpretation of the treaty that is so conspicuously dishonest that the principle legal authority on the treaty, the American legal adviser on the very negotiations that achieved agreement on the treaty, says is "grossly incorrect." And the chief negotiator, Gerard Smith, has said that this reinterpretation will make the treaty a "dead letter."

Mr. President, I ask unanimous consent that the article to which I referred by John B. Rhinelander, entitled "Reagan's 'Exotic' Interpretation of the ABM Treaty—Legally, Historically, and Factually Wrong," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REAGAN'S EXOTIC INTERPRETATION OF THE ABM TREATY

(By John B. Rhinelander)

A new version of the Anti-Ballistic Missile Treaty was introduced by National Security Advisor Robert McFarlane on a nationally televised interview program on October 6. McFarlane asserted that research, development and testing of defensive systems "involving new physical concepts . . . are approved and authorized by the treaty. Only deployment is foreclosed." According to this new interpretation, sea-based, air-based, space-based and mobile land-based "exotic systems and components," such as those being pursued in the Strategic Defense Initiative, may be developed and tested, but not deployed, consistent with the ABM Treaty. A review of the new treaty, its intent, the particular provisions in question, its negotiation and ratification record, and its subsequent application by the United States and Soviet Union reveal quite clearly that this new interpretation is grossly incorrect. Unfortunately, the result of McFarlane's announcement is much more than a legalistic squabble. Unless Congress intervenes and limits strategic defense expenditures according to the traditional U.S. interpretation, wherein development and testing of space and other mobile basing modes are prohibited, all restraints on Reagan's Star Wars plan may come unleashed. In the words of its chief negotiator, Gerald Smith, the ABM Treaty would be rendered a "dead letter."

On October 11, the President decided that he agreed "in principle, but not in practice" with this reinterpretation. Based on a Presidential Directive, Secretary of State George Shultz announced on October 14 before the North Atlantic Assembly that "a broader interpretation of our authority is fully justified," but SDI "will be conducted in accordance with a restrictive interpretation of the treaty's obligations." This leaves the United States legally free to return to the reinterpretation whenever the President and his advisors deem advantageous. The President has not said how long the administration would continue to abide by the "restrictive interpretation," which now represents presidential policy rather than a matter of law.

The legal rationale for the reinterpretation revolves around Article II(1) and Agreed Statement D, Article II(1), which defines ABM systems, includes the phrase "currently consisting of" immediately before the definitions of 'traditional' ABM

components. The administration argues that "currently consisting of" would be better understood if the comma in the text were deleted and the text read "and only those consisting of." Therefore, the administration argues (1) the treaty, and particularly Article V(1), constrains only 'traditional' ABM technology (ABM interceptor missiles, ABM launchers and ABM radars), (2) The treaty permits development, testing and deployment of 'exotic' ABM systems and components, however based, (3) Agreed Statement D implicitly amends Article V(1) and Article III to prohibit deployment of 'exotic' systems and components whatever their basing mode.

This rationale is absurd as a matter of policy, intent and interpretation. If the President sticks with it as the best legal interpretation, he has effectively repudiated the ABM Treaty as a legal instrument. If the truncated treaty remains in effect, both the United States and the Soviet Union can develop and test, without quantitative or geographic limits, any sea-based or mobile land-based ABM system or component provided they utilize 'exotic' technology such as lasers.

But the result could be even more far reaching. Because the administration's new interpretation is that Article V(1) and other substantive articles of the treaty do not apply to 'exotic' systems and Agreed Statement D blocks only their deployment, then the limits on "ABM systems or components" throughout the treaty do not include 'exotic' systems. The consequences of this reinterpretation are dramatic when one considers that the principal U.S. concern historically has been, and apparently remains so within the Defense Department, Soviet 'breakout' capability based on 'traditional' or 'low-tech' systems. These remain tightly constrained notwithstanding the reinterpretation. On the other hand, most of SDI or 'high-tech' systems are now legally unconstrained by the treaty.

The new interpretation maintains several constraints on the 'traditional' systems of the Soviet ABM program: ABM deployment is limited to the one area surrounding Moscow; ABM tests must be limited to their two ABM test ranges; the development, testing and deployment of land-mobile 'traditional' ABM systems and components are prohibited; and the ban on the 'upgrade' of surface-to-air missile (SAM) system remains in full force. However, under the reinterpretation the Soviets now legally could place in the field an unlimited number of mobile land-based lasers (the Soviets have an active laser program) for ABM purposes across the Soviet Union provided they were labeled for "test" purposes.

The United States for its part is now free to exploit western technology in the full pursuit of Star Wars. A full-scale operational system, including large numbers of satellite battle stations and related sensors, together with fixed ground-based lasers apparently not limited to existing ABM test ranges, could now be 'legally' put in place as an extensive "test program" to prove out the new technology in a system configuration. U.S. allies would be free of any treaty restraints to participate in two-way transfers of most SDI technology, with the only legal constraints on 'west-west' technology being those under the Munitions Control and Export Administration Acts.

This result is clearly absurd. Unbeknownst to the U.S. SALT I delegation, the SALT I backstopping apparatus in Washington, the Nixon administration and each suc-



cessive administration, and Congress, the United States would now have achieved the most one-sided treaty relationship imaginable.

The catch is, of course, it could not last for a minute. Arms control agreements are viable only as long as they are in the net interests of each party. Secretary Shultz has spoken of the need to "prevent the erosion of the ABM Treaty," but Defense Secretary Caspar Weinberger, Under Secretary Fred Ikle, and Assistant Secretary Richard Perle have repeatedly stated that they have no use for the ABM Treaty and the sooner the United States is without it the better. Secretary Weinberger's November 13 letter to the President, leaked to the press on the eve of the summit, reinforces the view that treaty commitments that impinge U.S. programs are of little relevance to the Office of the Secretary of Defense. Unless the President or Congress repudiates this self-defeating step, OSD officials can claim that any action they wish to take short of full-scale final deployment is legally permitted under the treaty.

The rationale for the timing of the announcement of the initial reinterpretation immediately before the summit remains obscure. It has been clear that under the historic interpretation the evolution of SDI research into development and testing would have to be stopped somewhere between 1988, as I believe, and 1991, as even DOD officials have privately conceded, unless the Soviet Union agrees to amend the treaty or the United States formally withdraws from it. One of the political reasons for the administration's hasty initial reinterpretation may have been OSD's attempt to redefine the treaty before any commitments could be made by the President at the summit that might prevent a subsequent reinterpretation. To this end, an early reinterpretation was devised even though no presently scheduled SDI test could, in OSD's judgment, be inconsistent with the treaty during President Reagan's term of office.

Another reason may have been to encourage more allies to support SDI by participating in cooperative SDI research. Foreign corporations, particularly in the United Kingdom and West Germany, might be encouraged by the reinterpretation because cooperation might legally be extended from "research" to include "development and testing" with full sharing and two-way transfers. The actual effect on U.S. allies was the reverse because the political fallout of this full sharing in SDI technology directly associated with ABM systems or components would have formally associated allied governments with the repudiation of the ABM Treaty. That is a role that none of our allies is prepared to accept or condone.

The primary issue in the debate over the reinterpretation of the ABM Treaty is whether Article V(1) prohibits the development and testing of space-based and other mobile-type 'exotic systems' (e.g., space-based lasers). The secondary issue is whether any of the treaty's substantive constraints on "ABM systems or components" apply to 'exotic systems.' The answer is four-fold:

The prohibitions are clear from the text of the treaty, particularly Article II(1), which indicates the treaty is not limited to the ban on the then current technology, and Article V(1), which refers to "ABM systems and components" rather than traditional technology (i.e., AB interceptor missiles, launchers and radars).

The negotiating history, as interpreted in 1972 by the SALT I delegation and the

backstopping representatives in Washington, supports the functional approach to the treaty, including the broad ban on space-based 'exotic systems,' as the only permissible interpretation.

This broad ban on 'exotic systems' has been the executive branch interpretation that has been accepted and relied upon by Congress since 1972, and even by the Reagan administration in successive arms control impact statements and its SDI report of April 1985.

Any other result is patently absurd and would frustrate the stated premise of this treaty: to prohibit the deployment of nationwide ABM systems or a "base" for such a system.

The Soviets accepted this interpretation during the negotiations as indicated by the treaty text and reflected it in their ratification proceedings. They have not taken any actions or made any official statements inconsistent with this interpretation. Though Soviet public statements on the issue since 1972 have been somewhat ambiguous, their recent statements have been explicit. General Secretary Gorbachev's interview in Time magazine last August includes a specific statement that is clear and unambiguous. The Tass statement of October 9, responding to the U.S. reinterpretation, removed any latent ambiguity from the current Soviet public position.

Marshal Sergei Akhromyev's lengthy Pravda article on October 19, 1985, represents a definitive Soviet public affirmation of the broad ban in Article V. Akhromyev, the Chief of the Soviet General Staff, said the ABM Treaty "absolutely unambiguously bans" the development, testing and deployment of space-based 'exotic' ABM systems. He explicitly confirmed the historic interpretation. This is a very important statement, particularly since it suggests a dividing line between permissible research and prohibited development and testing. The Soviets are backing off their unwarranted position that "research" was, could or should be banned.

The administration now contends that either the Soviet Union never agreed with the U.S. interpretation of the treaty or that the Soviet Union later modified their agreement or changed their interpretation during negotiations over Agreed Statement D. A review of the text of the treaty and a proper understanding of the purpose of Agreed Statement D disproves this reinterpretation. The formulation of Agreed Statement D was addressed during the negotiations only after the texts of Article II(1), III and V had been agreed. The text of Article III preserved the right of the United States, reflecting the position of the Joint Chiefs of Staff, to develop and test fixed land-based lasers but not to permit deployment. The Soviet delegates originally sought no limits on deployment on fixed land-based 'exotics.' Accordingly, the U.S. delegation insisted and the Soviets eventually agreed that Article III should authorize the fixed land-based deployment of only ABM systems and components that were based on "current" technology. However, development and testing, whatever the technology, of fixed land-based ABM systems and components could be carried out at ABM test ranges. Consistent with presidential instructions, ABM systems were defined functionally and the ban on all mobile-type 'exotic' systems, including those for space, was set at the development stage.

As formally accepted, Agreed Statement D was explicitly tied to Article III, which dealt

with fixed land-based deployments. Both in its text and in the negotiating history, it had nothing to do with Article V. The reference to Article XIV in Agreed Statement D indicated that the treaty would have to be amended before a fixed land-based 'exotic' weapon, such as a laser, could be deployed.

While the language admittedly could be clearer, the United States has always understood that Agreed Statement D reinforced the Articles I(2) and III prohibition on deployment of fixed land-based 'exotic' systems unless and until the treaty is amended. Agreed Statement D certainly does not diminish or amend Article V(1).

The administration also contends that the ratification process was ambiguous and that neither the executive nor the Senate understood the "restrictive" interpretation. This position is clearly nonsensical.

The ratification hearings before the Senate Foreign Relations Committee, and particularly the Senate Armed Services Committee, led to a much fuller public record on many of the nuances. Some of the initial testimony of officials on 'exotic' systems did not clearly distinguish the treaty's provisions for banning only the "deployment" of fixed land-based systems from its broad ban on space and other mobile-type systems, but the record was frequently supplemented. This includes the submission for the record of the Senate Armed Services Committee by Ambassador Smith, prepared after an interagency review of reporting cables, in response to a question by Senator Jackson on the difference between research and development for purposes of Article V. This issue was important, of course, to the understanding at what point in the research and development cycle Article V applied to 'exotic' systems. The Armed Services Committee hearings include explicit confirmation submitted by Secretary of Defense Melvin Laird, Under Secretary for Defense Development Research and Evaluation John Foster, and Acting Chief of Staff of the Army General Palmer, that development and testing, as well as deployment, of space-based 'exotic' systems were prohibited. Senator Jackson, who was a critic of SALT I but voted for the ABM Treaty, educated other Committee members and even led witnesses on this point.

Finally, Senator James Buckley (R-NY) stated on the Senate floor on August 3, 1972, that he opposed the ABM Treaty and would vote against it largely because of the scope of Article V. He said: "Thus the agreement goes so far as to prohibit the development, test or deployment of sea-, air- or space-based ballistic missile defense systems. This clause, in Article V of the ABM Treaty, would have the effect, for example, of prohibiting the development and testing of a laser type system based in space which could at least in principle provide an extremely reliable and effective system of defenses against ballistic missiles. The technological possibility has been formally excluded by this agreement."

The vote in favor of advice and consent to ratification was 88-2. The administration's support for its reinterpretation rests on the implicit argument that testimonies of Pentagon witnesses before the Armed Services Committee are of little weight in assessing the Senate's understanding of the ABM Treaty. In fact, the more the administration argues its case, the more ridiculous it looks.

In my judgment, the Fiscal Year 1985 Arms Control Impact Statement prepared by the Reagan administration correctly states the agreement reached with the Sovi-

ets in 1971-72 on the meaning of Article V(1): "The ABM Treaty bans the development, testing and deployment of all ABM systems and components that are sea-based, air-based, space-based or mobile land-based . . . The ABM Treaty prohibition on development, testing and deployment of space-based ABM systems, or components for such systems, applies to directed energy technology (or any other technology used for this purpose). Thus, when such directed energy programs enter the field testing phase they become constrained by these ABM Treaty obligations." (Emphasis added.)

The SDI Report to Congress (April 1985), especially Appendix B, which gives the justification for the program under the treaty, is essentially consistent with this statement.

In summary, Article V of the treaty bans the development, testing and deployment of ABM systems or components of space or mobile-ground basing and, moreover, regardless of whether these systems are based on existing or 'future' technologies. In accordance with Statement D, to which the administration now refers so often, and Articles III and IV, the conduct of development and testing of ABM systems or their components based on other physical principles is allowed in areas that are strictly limited and defined by the treaty and only using land-based ABM systems.

The administration's justification for its reinterpretation is that the Soviets never agreed to, and cannot now be held to comply with, the historic U.S. position. Instead of reinterpreting the clear text of the 1972 treaty based on a selective review of the classified U.S. negotiating records, the better approach under international law and practice would have been to review post-ratification statements and conduct, which is at least as important as the negotiating record. As stated in the current draft of the Restatement of the Foreign Relations Law of the United States (Revised), "An international agreement is to be interpreted in good faith in accordance with the ordinary meaning to be given to its terms in their context and in light of its objects and purposes." Further, "Subsequent practice between the parties in the application of the agreement is to be taken into account in interpreting the agreement."

If there were any legitimate doubt as to the meaning of the ABM Treaty, the best approach would have been to ask the Soviet negotiators in private in Geneva whether or not the Soviet Union agrees that Article V(1) bans the development, testing and deployment of 'exotic' space-based systems and ask whether the Soviets were prepared to be bound in writing. If the private Soviet response had been "no," then the administrations reinterpretation would have been justified. If the private Soviet response in Geneva were "yes," as one would expect from their public statements since 1972, then the October 6 reinterpretation and the October 11 recanting by the administration would have been unnecessary. Agreed statements on the basic points could have been negotiated quickly if deemed necessary for clarity.

If a private but positive Soviet response in Geneva were now rejected by the United States as "too late" because the United States wanted to keep open the option of reasserting its reinterpretation, then the OSD motive behind the initial change in U.S. position—to erode immediately and eventually destroy the ABM Treaty—would be clear. This now appears to be the case.

The question was not asked before the reinterpretation was announced on October 6 because the Soviets would have agreed, which is not what OSD wants.

If arms control is to remain an element of U.S. security policy, the challenge will be to strengthen the ABM Treaty through specific, mutual and verifiable Agreed Statements and Common Understandings. This challenge can be met if the political will exists. The Standing Consultative Commission (SCC) was charged with seeking agreed interpretations as one of its assigned tasks. The SCC has been underutilized. It could easily, and quickly, negotiate Agreed Statements and review and revise Agreed Statement D to make its intended meaning clearer.

Before constructive steps can be achieved on comprehensive arms control reductions on offensive weapons, and assuming the Soviets are prepared to negotiate and not just posture, the President should publicly repudiate the reinterpretation he recently received from his advisors on a narrow scope of Article V(1) and other critical articles of the ABM Treaty. Congress could contribute to this result by approving next year a provision in the DOD authorization bill limiting SDI fund expenditures to the legal standard in the FY 85 Arms Control Impact Statement. This whole sorry business could lead to a constructive ending if the United States and the Soviet Union were to agree privately in the SCC, at the Geneva arms talks, or at the next summit on Agreed Statements that would clarify the overall scope of the ABM Treaty.

#### MYTH OF THE DAY: ALL DOMESTIC PROGRAMS RECEIVED A 4.3-PERCENT CUT ON MARCH 1

Mr. PROXMIER. Mr. President, the myth of the day is that all domestic projects except some welfare programs faced a 4.3-percent cut on March 1.

A case in point is the alcohol, drug abuse, and mental health block grants. Here is a case where some States are receiving no cut or very little cut in their allocation—a tiny fraction of 1 percent—and others, like Wisconsin, are receiving cuts as large as 15 percent.

Yet the mandate of Gramm-Rudman-Hollings was for equal cuts. In this case, an equal 4.3-percent cut.

Unfortunately, the deficit reduction language did not specifically override provisions in the existing law which are designed to correct imbalances in funding formulas. And that is precisely the case we have with the ADAMHA block grant.

Here is a block grant whose funds were amalgamated in the hectic rush to complete work on President Reagan's first major budget reform measure, the omnibus reconciliation bill of 1981. Consequently, some States were unfairly penalized by being allocated a share of the block grant completely unrepresentative of their share of the population. And, to add insult to injury, they were locked into formulas prohibiting them from exercising much flexibility in redistributing funds among alcohol programs or drug

abuse programs or mental health programs.

For Wisconsin, a State with 2 percent of the Nation's population, we received less than 0.8 percent of the total block grant and, within that unfairly small amount, Wisconsin was prohibited from spending more than 10 percent of its block grant funds on mental health programs. A ridiculous restriction on top of an inequitable allotment.

That changed somewhat—but not enough—in 1984 when reauthorization legislation expanded the share of new funds going to States that had been disadvantaged by the old formula and increased flexibility was provided to the States to reallocate these funds among the programs covered by the block grant.

But the Department of Health and Human Services has used that reauthorization bill giving a larger percentage of new funds to the disadvantaged States as an excuse for an unequal application of the 4.3-percent cut mandated by Gramm-Rudman-Hollings. They believe that the "hold harmless" contained in that reauthorization language prohibits them from taking the cut in any other way.

In my view, their decision ignores both the letter and spirit of Gramm-Rudman-Hollings and I have introduced legislation (S. 2087) to assure that all States and territories receiving funds from the block grant face the same percentage cut. Wisconsin and other States that had been disadvantaged in the past by funding under the ADAMHA block grant are not asking for special treatment. We are willing to take our 4.3-percent cut as unwelcome as that is. We are simply seeking equity.

#### ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, with statements therein limited to 5 minutes each.

#### THE BUDGET PROCESS

Mr. COCHRAN. Mr. President, we continue to hear complaints that the President of the United States has not involved himself in the budget process, that he is reluctant to negotiate, that he is not participating to work out a budget resolution that is widely acceptable in Congress.

Let me simply observe that the President has a responsibility in this process, but he has met it. He has fulfilled the obligation under the law to prepare and to submit to Congress a proposal for the allocation of funds in the Federal Government for the next fiscal year. He has met his deadline. He has submitted a budget that meets



the targets of the Gramm-Rudman-Hollings law. It calls for expenditures of funds that, together with projected revenues, do not exceed the predetermined target for a deficit for fiscal year 1987.

Let us be honest about this. It is Congress that has not met its responsibility. A deadline of April 15 has come and gone for the adoption of a resolution by Congress on the budget. The Senate committee has worked very hard, in my judgment, to sort through the various pressures and suggestions for the allocation of funds out of the Federal Treasury for the next year. They reported a resolution. But let us look at where there has been no action and a total breakdown in the fulfillment of duties and responsibilities, and that is in the other body. The Budget Committee there has not even met in a markup session to make a recommendation for a budget resolution for Congress.

So those who continue to point the finger at the President of the United States and criticize him ought to take a look at Congress. I think that is where there has been a failure to act. It is here in Congress that we need more of an effort to be made toward fulfilling commitments and responsibilities under the Budget Act and under Gramm-Rudman-Hollings.

I am disappointed in the fact that we see these deadlines come and go. I know it worries those who are trying to lead the committees with jurisdictional responsibilities to fulfill those responsibilities.

The distinguished Senator from New Mexico [Mr. DOMENICI] has done an outstanding job, in my judgment, and I think the distinguished Senator from Florida [Mr. CHILES] has worked harder than most to try to help meet these deadlines and make the Budget Act work.

Last week, the Republican leader in the House, BOB MICHEL, and I introduced legislation—he in the House and I in the Senate—to create a temporary joint committee on the budget to try to help move along the reporting of a concurrent resolution, as required under the Budget Act, by Congress. Even though the Senate committee has acted, the House committee continues to take no action whatsoever.

We are suggesting that Congress ought to create this joint committee. The committees end up in conference ultimately, anyway, to try to work out the differences between the House and the Senate-passed resolutions. Why not start out working together? Let us report to the House and the Senate an identical resolution, and let the bodies work their will in their own way, and in conference let the joint committee sort through the differences and come back with a final product.

That, to me, would accelerate the schedule and the procedures under which we are operating. It should have been done earlier. There is a provision for this under the Gramm-Rudman-Hollings law; and if the Supreme Court happens to decide that there is a constitutional problem, there is this joint committee created under the law that will fulfill the responsibility of presenting to the President the figures under which he can then issue a sequester order.

So it is not as though this has not been thought of before. We think it should be done now, no matter what the Supreme Court may say about the constitutionality of the budget process.

Mr. President, I ask unanimous consent that a copy of a Dear Colleague letter which I sent around to Senators on Monday describing this new joint committee be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, April 21, 1986.

DEAR COLLEAGUE: I am writing to invite you to join me as a cosponsor of legislation which I feel will assist the Congress in dealing with the budget mandates we face in a more expeditious and effective manner.

I have introduced a concurrent resolution, S. Con. Res. 132, calling for the temporary establishment of a Joint Budget Committee. Congressman Bob Michel, Republican Leader in the House of Representatives, has introduced identical legislation in the House.

As we all know, Congressional budget deadlines have been difficult to meet in the past, and will be even more difficult this year under the new Gramm-Rudman-Hollings timetables. We have already missed the April 15 deadline for completing action on a concurrent budget resolution for fiscal year 1987. Clearly, without joint Congressional action, it may be impossible to meet other deadlines this year.

The Gramm-Rudman-Hollings law provides that, in the event that the reporting procedures now before the Supreme Court are invalidated, there will be established a "Joint Committee on Deficit Reduction", made up of the entire membership of the Budget Committee of the House of Representatives and the Senate. The purpose of this joint committee is to report and pass a joint resolution requiring the President's signature in order to implement any sequestration.

Congressman Michel and I believe that Congress should not wait until the Supreme Court rules in this case to establish such a Joint Budget Committee. The immediate establishment of a Joint Committee, and commencement of deliberations on a budget resolution for fiscal year 1987, would ensure the best and most efficient implementation of Gramm-Rudman-Hollings and the congressional budget process.

The temporary Joint Committee we are proposing would have the duty of reporting a concurrent budget resolution for fiscal year 1987. It would be composed of the entire membership of the Budget Committees of both Houses. The existing Budget

Committee Chairmen would serve as co-chairmen of the new Joint Committee.

An Executive Committee made up of one-third of the membership of each Budget Committee would be established to facilitate the proceedings of the much larger Joint Committee. The Executive Committee would make recommendations to the full Joint Committee for its approval or modification.

Establishment of a Joint Budget Committee on a temporary basis would also provide a trial period for determining the feasibility of a permanent Joint Budget Committee, as well as other needed reforms of our budget process.

I hope you will join me by supporting this legislation, which would allow a reasonable and more efficient alternative for achieving our budget goals.

A copy of the concurrent resolution is attached. If you wish to cosponsor, please contact me or Linda Slade of my staff at 4-2508.

Sincerely,

THAD COCHRAN,  
U.S. Senator.

S. CON. RES. 132

*Resolved by the Senate (the House of Representatives concurring),*

SECTION 1. TEMPORARY JOINT COMMITTEE ON THE BUDGET.

(a) ESTABLISHMENT.—There is established a Temporary Joint Committee on the Budget (hereafter in this concurrent resolution referred to as the "Joint Committee").

(b) COMPOSITION.—

(1) The Joint Committee shall be composed of the entire membership of the Committee on the Budget of the House of Representatives and the Committee on the Budget of the Senate.

(2) The chairman of the Committee on the Budget of the House of Representatives and the chairman of the Committee on the Budget of the Senate shall serve as co-chairmen of the Joint Committee.

(3) A majority vote of the members of the Joint Committee from each House shall be necessary for the Joint Committee to act.

(4) Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee and shall be filled in the same manner as in the case of the original selection.

(5)(A) There is established within the Joint Committee an executive committee, to be composed of—

(i) 6 members of the Committee on the Budget of the House of Representatives designated by the chairman of such committee;

(ii) 5 members of the Committee on the Budget of the House of Representatives designated by the ranking minority member of such Committee;

(iii) 5 members of the Committee on the Budget of the Senate designated by the chairman of such Committee; and

(iv) 4 members of the Committee on the Budget of the Senate designated by the ranking minority member of such Committee.

(B) A majority of the members of the Executive Committee from each House shall be necessary for the executive committee to act.

(c) DUTIES.—Notwithstanding any other provision of law, or any provision of the Standing Rules of the Senate or the rules of the House of Representatives, the Joint Committee shall have the duty to report

concurrent resolutions on the budget required to be reported under title III of the Congressional Budget and Impoundment Control Act of 1974. It shall do so only after considering the recommendations of the executive committee.

(d) **CONCURRENT RESOLUTIONS REPORTED BY THE JOINT COMMITTEE.**—Any concurrent resolution reported by the Joint Committee shall be reported to each House of the Congress at the same time, in the same form, and with the same contents.

(e) **DUTIES OF THE EXISTING BUDGET COMMITTEES.**—Except as provided in subsection (c), the Committees on the Budget of the House of Representatives and the Senate shall have the duties assigned to them by the Congressional Budget and Impoundment Control Act of 1974, by part C of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Standing Rules of the Senate and the Rules of the House of Representatives.

(f) **HEARINGS AND TESTIMONY.**—The Joint Committee and any subcommittee thereof is authorized to sit and act at such times and places within the United States (whether the Congress is in session, has recessed, or has adjourned) to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, documents, or vouchers by subpoena or otherwise, and to take such testimony, as it deems advisable. A subpoena may be issued over the signatures of either of the co-chairmen of the Joint Committee, or a designee of either, and may be served by any person designated by the person signing it. An oath may be administered by either of the co-chairmen of the Joint Committee, or a designee of either.

(g) **STAFFING.**—The staffs of the Committees on the Budget of the House of Representatives and the Senate shall serve as the staff of the Joint Committee.

(h) **RECORDS.**—The Joint Committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded.

(i) **TREATMENT OF MEMBERSHIP UNDER SENATE RULES.**—For purposes of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member of the Joint Committee, or as a co-chairman of the Joint Committee, shall not be taken into account.

(j) The Joint Committee shall cease to exist at the close of the second session of the 99th Congress.

(k) **EXERCISE OF RULEMAKING POWER.**—The provisions of this section are enacted—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

#### DIRKSEN AWARD FOR DISTINGUISHED REPORTING TO STEVEN ROBERTS

Mr. BYRD. Mr. President, every year, the Everett M. Dirksen Award

for Distinguished Reporting of Congress goes to an outstanding journalist. This year's recipient is Steven V. Roberts of the New York Times. Steve was awarded the honor recently in a ceremony in Illinois, and it seems appropriate for those of us in Washington who appreciate Steve's work to recognize him for this achievement.

The judges for this year's award noted the impressive competition and the quality of the articles submitted for consideration. Steve Roberts earned the award, said the judges, for the "unusual range and scope of both news stories written under the pressure of deadline and in-depth profiles of major congressional figures."

As an elected official with decades of experience as a Member of the House of Representatives, as a Senator, and as majority and minority leader, I know the important role journalists play in contributing to the understanding of Congress. I appreciate how difficult it is to fulfill that role. It is important that we continue to honor journalists such as Steve Roberts who meet that challenge. The people who benefit most are his readers and our constituents. I join with the judges in recognizing "his ability to put daily events in perspective" and his "perceptiveness in analyzing the legislative process and Congress as an institution."

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I yield myself such time as I need at this point.

Mr. President, I compliment the distinguished minority leader on his remarks with reference to Mr. Steve Roberts. I have had the opportunity to read what he writes, and, I say to the distinguished minority leader, to be covered to some extent in my activities by him as he worked for his paper, and their readers. I concur with the Senator's statement as to his effectiveness. Even as a politician I would say that clearly I find him to be extremely objective. Obviously, he also seeks to find the facts before he writes, and in that respect I am positive that those who granted him the award did so with every one of those important facts in mind, and made a right decision.

I compliment the distinguished minority leader, and compliment Mr. Steve Roberts for having garnered the award that was referred to by the distinguished minority leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator, the chairman of the Budget Committee.

As one who regularly watches Washington Week In Review, as one who has said upon many occasions that Washington Week In Review is truly

one of the great programs to which we have access because it is a panel of learned journalists and commentators who state facts, but leave to the viewers the making up of their own minds.

I always enjoy listening to Steve Roberts on that program. He is a distinguished journalist, a distinguished panelist, and I feel that Steve is one of those who on that distinguished program has performed well, and I, as a regular viewer, have benefited. I am sure thousands and hundreds of thousands of others have benefited from the evaluation and analysis of events that we regularly hear and see on that program.

If I am not able to be at my home by 8 o'clock on some Friday evenings, my wife always records that program for me. I look forward to it. I learn a great deal from it. It is not opinionated as are so many programs in which we know, when we see a particular individual on such and such program, where he is coming from before he even speaks. Washington Week In Review is not like that, and it is a great service to its audience.

I compliment Steve Roberts again on his participation in Washington Week In Review.

Mr. SASSER. Will the distinguished minority leader yield?

Mr. BYRD. Mr. President, I yield further time from this side, and yield to the distinguished Senator from Tennessee, Mr. SASSER.

Mr. SASSER. Mr. President, I wish to join in these accolades to a very distinguished journalist, for a very distinguished newspaper, Mr. Steven Roberts, of the New York Times.

I must say that I join in these compliments with some degree of trepidation. Mr. Roberts is a tough, hard-nosed reporter, and I have some anxiety that in an effort to protect his reputation for objectivity, he might feel compelled to write a tough story about those of us here this morning that compliment his distinguished career as a journalist. But, to commend his illustrious reporting is worth the risk.

It is appropriate that those of us who watched this talented reporter's performance in covering the Congress over the past few years make some statements about the highly professional way in which he conducts himself. I find that Steven Roberts has an extraordinary degree of perception about what goes on in this very complex institution.

This understanding is passed on to his readers, he does a great service, not only to Congress, but more importantly to those that he seeks to inform through the columns of the great newspaper for which he writes.

Mr. Roberts reports on the Congress and those who work in the institution with extraordinary objectivity and perception. His unfailing good humor,



even under the "pressure of the merciless deadlines of his profession is striking and many times I learn from Mr. Roberts' reporting much appreciated by his colleagues in the press. Facts that I had not known before even though I may have participated in the debate, on an issue or have participated in shaping the legislation. He pulls together in his news stories that is the subject of his story the very complex factors that go into producing legislation in this body. He is a gifted journalist who strives mightily to get the story—and get it right. When I see the bead of perspiration forming on Steve Roberts' upper lip—I know he's after the facts and pushing hard. I am pleased that the distinguished minority leader yielded to me for that purpose. May I add my compliments to Steve Roberts for winning the Everett Dirksen Award. He deserves it.

Mr. BYRD. Mr. President, I thank the very distinguished Senator from Tennessee, Mr. SASSER.

I am delighted that he shares this view.

I close by saying that Steve Roberts' professionalism, his objectivity, and his fairness are of the highest order. In that regard, the "cup" of Steven Roberts "runneth over."

Mr. DOMINICI addressed the Chair. The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am sure Steve Roberts is listening. I do not know what this discussion will do to him. [Laughter.]

He was indeed superb before we spoke. I hope we have had only a salutary impact on his objectivity. I am sure that is the case.

#### IN RECOGNITION OF STEVE ROBERTS

Mr. CHILES. Mr. President, I want to join in saluting Steve Roberts of the New York Times as this year's recipient of the Everett M. Dirksen Award for Distinguished Reporting on Congress.

Steve Roberts is widely respected for his impartial professionalism. In Congress, competing sides present conflicting arguments on countless issues. It takes a gifted observer to sort the facts on both sides, present a balanced account and do it fluently under the strain of an editorial deadline. Steve Roberts has done that with unfailing integrity.

Many of the issues he reports are endlessly complex, several hotly partisan, and each of real concern to shifting segments of the country's population. Therefore, every journalist who covers the Congress carries a special responsibility, one so important that it is safeguarded in the Bill of Rights.

The spirit and practice of the free press is manifest in the work of Steve Roberts. He brings to his duties the caution of a skeptic, and the devotion of a journalist who cares deeply about national policy. And he applies the eye

and ear of a precise analyst in reporting the often bewildering work that goes on here.

So I offer my congratulations and thanks to Steve Roberts for work well done, and ongoing.

#### STEVE ROBERTS RECEIVES AWARD FOR REPORTING ON CONGRESS

Mr. DOLE. Mr. President, I want to join my colleagues in congratulating Steve Roberts, reporter for the New York Times, on being recognized by the Everett Dirksen Foundation for excellence in writing about Congress.

Covering Congress is not an easy job. There are 535 individual stories happening at any given time. And being able to ferret out the important story, plus the whys and hows of the event, takes a dedicated, veteran reporter. Steve Roberts is that kind of reporter.

Steve has made his career at the New York Times. He started here in Washington in 1964, straight out of college, working for James Reston. Since then he has written for the paper from New York, California, and Greece. In 1977 he came back to the Times Washington bureau, and for the past 6 years has been stationed here on Capitol Hill.

His commitment to covering Congress, as an institution and through the men and women who are Congress, shines through in his reporting. Those of us who are the subject of this reporting, can ask for no more.

Mr. President, once again I want to salute Steve Roberts for receiving this special honor, and wish him every success in future endeavors.

#### PASSOVER AND THE POPE

Mr. DECONCINI. Mr. President, Passover is an appropriate occasion to recognize the very special and unique Jewish culture and tradition in America. It is important to embrace the distinctiveness and fraternity of several Christian, Jewish, and other traditions in this diversified Nation.

When Jews around the world sit at the dinner table this evening to enjoy Seder, conversation may turn to the first papal visit to a synagogue made by Pope John Paul II last week. This is recognized around the world as an important gesture of reconciliation between the Roman Catholic Church and Italians and world Jewry. The Pope has committed the Catholic Church to the findings of the Second Vatican Council of 1962-65 which stated that Jews are not responsible for the death of Christ Jesus. He reiterated this declaration condemning "the hatred, persecutions, and displays of anti-Semitism directed against the Jews anytime and by anyone." He further repeated the interfaith spirit of Vatican II by recognizing the independent identity of the Jewish religion "beyond any syncretism and any ambiguous appropriation."

Both the Jews and Catholics have experienced religious persecution and hatred in this country. Discrimination requires constant vigilance. Whatever affirms the dignity and identity of religions and its peoples must be applauded. This is especially welcomed in light of the needless hardship and suffering. The Pope's action of reconciliation is of historic and human significance worldwide. It is also of particular importance for Jewish-Catholic ties in America.

#### THE PANAMANIAN AMBASSADOR'S REMARKS ON THE STRENGTHENING OF DEMOCRATIC INSTITUTIONS

Mr. ZORINSKY. Mr. President, Monday afternoon, the Subcommittee on Western Hemisphere Affairs of the Foreign Relations Committee held a second hearing on the situation in Panama. The hearings served to underline the serious issues facing that nation which is important to U.S. interests in Latin America and the Caribbean. I have been concerned about recent developments there including the role and influence of the Panamanian Defense Force in national political and economic life, the pressures on the opposition, especially La Prensa, and the handling of the economy.

After meeting with Ambassador Bazan, I believe that the government of President Delvalle understands these concerns and wants to work toward the strengthening of democratic institutions and toward free and democratic elections. On April 15, Ambassador Bazan addressed the Woodrow Wilson International Center for Scholars of the Smithsonian Institution on this theme. In light of increasing interest in Panama in the Congress, I recommend that my colleagues read Ambassador Bazan's statement. I ask unanimous consent that the Ambassador's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

#### REMARKS OF PANAMANIAN AMBASSADOR BAZAN

The Wilson center is an appropriate forum for presenting political issues involving the realities of present day Panama. President Wilson, a scholar and politician, approached political questions with responsibility and a sense of fairness. We shall attempt to follow such a course on this occasion.

It is not uncommon for political issues to be presented in emotional terms using strong adjectives to create vivid impressions. Yet to achieve a responsible review of political questions, I believe one should approach the subject in a dispassionate and balanced manner to produce a credible and in-depth understanding of the issues.

To achieve this we cannot afford the use of stereotypes or isolated cases to prove points or project consequences. A comprehensive review of the facts as a whole,

placed in the time and in context, will give us a true measure of the issues and their consequences.

I believe that the broadening of Panama's "middle class," coupled with the improved educational levels throughout our country, has made it mandatory for us to address the issues, in Panama in an objective, sober and responsible fashion.

In order to examine and discuss fundamental issues in such a manner, all of us should abstain from dwelling in the past since socio-political issues are ever changing, as are the realities we live from day to day.

The people of Panama are only too conscious of the difficult conditions we are facing today. They know, we know, that our destiny lies in democratically elected civilian governments that rely on citizen interaction. They are also aware of the cyclical ups and downs of our political history, and have the patience and good sense to continue on their quest for a better quality of life, in a peaceful way. They respond to the natural law of self-preservation by working and seeking improvement within the realm of organized society. They show approval or disapproval through peaceful means, they do not waste their efforts, or their lives, on adventurous schemes that are contrary to their common sense and committed purpose in life.

Throughout our Republican history, the ploy of rattling the voters with attacks on the traditional whipping boys, the Americans, the Canal and U.S. military bases and the military of Panama, has been an inveterate tactic of whomever was in the opposition at a given time. The issue of the Canal and the U.S. bases has been significantly lessened by the effect of the Torrijos-Carter Treaties of 1977.

The Americans are charged in some quarters with meddling in our country, but now they are also invited to do so by some sectors of the opposition, which adds a new and puzzling twist to the practice. As to the issue of the military, a strongly emotional attitude seems to force an indictment against an institution on the basis of allegations.

Such attitudes would seem to reflect backward political progress. Opposition politicians in other Latin American countries, upon reaching power through democratic elections, recognize the proper place of the military in the socio-political life of the country. I submit an illustration: President Vinicio Cerezo, of Guatemala, stated recently: "The Army should be involved in the social progress, and guarantee this process in the interests of the people. . . . I should be committed to the general progress of institutionality in the country."

Panama is a young country compared to most of the other Latin American States. It has its own history, that is essentially unique. Many accomplishments have been offset in part by political restlessness that must be attributed to various currents of thought that compete for power. An ever present reality, throughout, has been the presence of a public force of law and order which encompasses military defense and police work. This force has been an instrument of civilian rule and, for some 10 years after 1968, was also a deliberating body with wide powers in the actions of government directed, for the most part, to better the lot of large segments of the underprivileged.

Our country is now into its ninth decade of existence, and its complexity in all respects, has become enormous. It has followed a rapid evolution and undergone a great number of experiences.

The Republican form of government has been a tradition and a dedication for the Panamanian people, in spite of the fact that there have been several interludes, a kind of growing pains, that jolted the projected, even course set by our Founding Fathers.

These interludes have taken various forms that go from political adjustments to Coups D'Etat, and a long period of revolutionary experimentation. These situations are real, have happened, and have had consequences. Definitely, the political trajectory of Panama has not been a smooth one, but one thing is certain: The basic democratic principles and ideals of our people have always survived, and still constitute the essence of our political deportment.

With the signing of the treaties of 1977, Panama started on the road to democratization. On that year, the military pledged a return to civilian, democratic institutions, which included the conditions necessary for political interaction, civil liberties, free press and the formation of political parties.

We are now on the threshold of accomplishing the phase of that transition period that was officially initiated in 1978 with elections for representatives. Political timidity at that time delayed effective political participation in government by the traditional politicians that opposed the prevailing regime, but the door still remained open for the registration of political parties that subsequently participated in the 1980 elections for legislative positions.

The elections in 1984 produced a president and two vice-presidents, 67 congressmen and 505 municipal representatives. In addition, 65 mayors were elected in as many cities for the first time since 1956.

It is important to understand that many of these positions are occupied by members of the opposition. Consequently, there is a healthy and comprehensive public debate of issues in which the expressions of all parties come to bear.

In this fashion, the stage was set for political recovery through a government that would be a solid bridge, an effective transition to a continuous democratic, republican way of life. The succession of an elected vice-president to a president that had lost the necessary political support, followed along constitutional lines and have created a mandate which he is determined to carry out.

It may be of interest to know that the Republican Party, to which President Delvalle and I belong, chose to form part of the coalition of parties that constitute the present government, based upon the premise that it was the path to democratic ways, as well as a means of contributing to an effective and prompt transition to civilian rule.

Such attitude was by no means a whimsical one; the Republican Party, to which we belong, has from its inception, participated in four political campaigns and was on the winning side on all of them, even though on two of the campaigns it had left the government to join the opposition.

The government of Eric Arturo Delvalle has pledged a responsible and purposeful approach to the problems that confront the country. This is not just rhetoric. The pledge is being translated into fact with energy and dedication.

It is a matter of fact that President Delvalle was entrusted with a stagnant nation with strong objections to the manner in which the executive had handled the negotiations with creditor institutions. The pulse of the nation had all but ceased, and political, social and economic activity showed

symptoms of an ominous and critical lethargy.

The first few months of President Delvalle's term had to be dedicated to restore confidence in the government, and, most important, to consolidate the political forces that conform it. This was not an easy task, but the resulting efforts have been rewarding. Concurrently, a prompt solution to financing the country's debt had to be sought. An economic program that was politically viable in the face of the realities of the country was elaborated to be negotiated with the creditor institutions.

Throughout this effort, it was essential to convey to one and all, that the projections of the economic program were designed to address both the immediate solution of the financial problem, and the long term goals of economic reactivation of the country. The encouraging signs of economic recovery detected in the early part of 1986, added to the measures enacted, will provide a framework that shows clear signs of an upswing and a promising forecast of success. For the first time in more than a year we are seeing a perceptible increase in sales, construction, bank deposits, and a significant growth in the volume of goods flowing through our colon free zone to world markets.

It must be stated with satisfaction that this return to fiscal responsibility was achieved by this civilian government within our constitutional procedures.

The Government of Panama has emerged stronger by this experience. It has to withstand organized protests, strikes and the expected criticism by opposition parties, but there is a perceivable current of support for our efforts throughout the country, as well as signs of optimism that had not been in evidence for some time.

It should be of interest to know, that the role of the defense forces has receded as confidence in the ability of civilians to run and manage the affairs of state grows in a manifest way. This confidence is essential for the proper functioning of a government in a stable, democratic, open market society. It is a solid accomplishment and a sign of good things to come.

The government of President Delvalle has given the highest priority to the strengthening of the country's democratic institutions. It implies wide involvement of the citizenry in all matters which contribute to the process of taking Panama along the path of development. We have the people, the know how, the infrastructure, and the resources to forge ahead. We have a government that encourages investment and production. We are obtaining, through a deliberate purpose, a sense of propriety and recognition that reinforces the action of all productive forces in the country, and the consequences are evident, Panama is on the move again.

An essential ingredient for a country's economic and social well-being is to function in a climate of peace. It is plain that Panama does not have any armed uprising, nor the presence or actions by any guerrilla group whatsoever. The country is relatively calm, and dedicated to daily chores designed to fulfill expectations.

There is freedom of speech, freedom of the press, the expression of the thoughts of all citizens can take place without any form of censorship or impedence.

Individual rights are respected and exerted freely within the law. Grievances and complaints are resolved either by means of dialog or legal recourse.

It is important that these realities of Panama, in their fullest context, be well



known in this country because, as Senator Helms said a month ago, "the positive interests of the United States and of Panama are inextricably intertwined to the benefit of both countries. We want to do everything to see that those benefits continue for everyone."

As my country's Ambassador to the United States, I am fully conscious of such a special relationship. During my first official meeting with President Reagan, I assured him that Panama is a country dedicated to peace and democratic way of life, that our Government is determined to solve our own problems within the realities that we live. We expect the assistance of the Government of the United States to achieve our purposes under the best of circumstances. We aim to preserve and reaffirm the bonds of friendship and cooperation that have existed for a century between our countries.

I was reassured and gratified upon receiving President Reagan's thoughts: "I realize that Panama is presently experiencing a period of economic difficulty. It is encouraging to hear of the efforts of President Delvalle and his government to develop a program of realistic reforms not only to weather the immediate crisis but to provide an economically sound basis for sustained growth. We wish you success in the task of developing this program and of securing broad support for it. We stand ready to assist sound development plans, conscious that Panama's destiny is Panama's responsibility first and foremost."

I should like to end my remarks with a most significant quote from President Delvalle in his speech to the prestigious Council on Foreign Relations in New York City early this month:

"The election process which will start two years from now, will again allow the people of Panama to exercise their sovereign voting rights."

"Toward this goal, my government is firmly committed. Today, the fundamental goal of the executive branch, the legislative assembly, the Supreme Court and the political parties is to strengthen the democratic process and maintain Panama's political stability within a civilian environment."

May I be allowed to add that President Delvalle, on repeated occasions, has made a call to all citizens, including obviously the opposition parties, to act on behalf of the better interests of Panama, and has invited them to join in the strengthening of our democratic institutions and to participate in the task of guiding the country toward the fulfillment of its promise for a higher quality of life for all Panamanians.

#### DEATH OF NORMAN L. CAHNERS

Mr. KENNEDY. Mr. President, many people in the Greater Boston area and elsewhere were saddened by the recent death of Norman L. Cahnners. Norman Cahnners was a creative and omnipresent force in the business, civic, and charitable worlds. His public spirit, generosity, and concern for the enrichment of the cultural, intellectual, and artistic dimensions of our society were demonstrated time and time again throughout over four decades of service to Greater Boston and New England. The vast diversity of his interests and his energies was reflected in the numerous prestigious

awards he received throughout his lifetime.

To name but a few, he won acclaim for developing innovative procedures for materiel handling in World War II; for his dedicated involvement with the Boy Scouts of America; and for his outstanding leadership, achievements, and ethical standards in business and in the community.

I ask unanimous consent that the Boston Globe article paying tribute to Mr. Norman L. Cahnners be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### NORMAN L. CAHNERS

Although he knew he was battling a fatal illness, Norman L. Cahnners had hoped to join a Museum of Science group now visiting the Amazon and viewing Halley's Comet. The indomitable drive of this business and community leader, who died last Friday, enabled him to live and travel well beyond the limits of most dreams.

Among the many Boston educational, medical and cultural institutions that Cahnners served as a trustee, board member and worker, the Museum of Science was a special challenge, because he felt that he could make a contribution to integrating the work of the institution with community life.

Cahnners' skill as a leader first became apparent when he was a top sprinter on the 1936 Harvard track team. During World War II, while serving in the Navy, he developed techniques for the rapid handling of war materiel and started a magazine on materiel-handling that dealt with the transport of all kinds of supplies and goods.

Based on that experience, Cahnners began to publish industrial magazines in many technical fields. Today, the company has become the largest publisher of industrial magazines in the world.

In his private life, Cahnners often counseled talented young people on career decisions, keeping track of them for years to see what turn their lives had taken.

His business success made possible major contributions to many schools and institutions. With his late father-in-law, Sidney Rabb, he established a professorship in psychology at the Harvard Business School.

Creation of a "climate of excellence" in industry, to enable persons to rise as high as their abilities can take them, was a special interest. Too often, Cahnners felt, the human element was neglected by industry leaders.

In a lifetime of exploring how things work and ways to build an environment in which people can work better, Cahnners set a path worth following.

#### A TRIBUTE TO FATHER ROBERT C. NEWBOLD

Mr. CHAFEE. Mr. President, I want to take a moment to honor Father Robert C. Newbold, one of Rhode Island's most respected and revered educators, who is stepping down after 17 years of faith service as rector of Our Lady of Providence Preparatory Seminary [OLP].

Few individuals in the State's history, Mr. President, have affected as many people as positively as Father

Newbold. During his rectorate at OLP, he oversaw the growth of one of the strongest overall academic and athletic programs in Rhode Island secondary schools.

Also in his tenure there, he served admirably as executive secretary of the State interscholastic Committee on Athletics. To say this is merely a "challenging" job is a classic understatement. Indeed, more politicking and debate may take place in Rhode Island interscholastic committee meetings than on the floor of the U.S. Senate. Because Father Newbold is the right person for the job, however, because he has his priorities straight, the committees affairs are run fairly and smoothly.

Consequently, those who prosper most are the thousands of student-athletes who have participated in Rhode Island's interscholastic leagues in the past and who continue to participate today. On these fortunate people Father Newbold's imprint is lasting.

Mr. President, Father Newbold's credentials as an educator are impeccable. He received his theological training at St. Bernard's Seminary and was ordained into the Catholic priesthood on December 22, 1945. He earned both his masters and Ph.D. in American history from the University of Notre Dame. In addition to teaching in various capacities at OLP, Father was a professor in American history at Providence College for 8 years. A history authority, he has written a book on 19th century American history.

These numerous valuable experiences, Mr. President, amply prepared Father Newbold for the many challenges which confronted him as rector and administrator.

On Friday, April 25, a testimonial dinner will be held in Father Newbold's honor at the Rocky Point Palladium in Warwick, R.I. Hundreds of his friends and colleagues, and many State religious and political leaders will be in attendance.

By his selfless service and tireless devotion to Our Lady of Providence Prep for the past 17 years, Father Robert Newbold has been a safeguard of virtue and a beacon of integrity for all those who have passed through its doors. I hope that his work has been as rewarding for him as it has been for the many Rhode Islanders whose lives he has touched.

#### THE PRESIDENT'S SALT II DECISION

Mr. MATHIAS. Mr. President, we all owe President Reagan a debt of thanks for his decision to maintain the policy of restraint in any action that might violate the terms of the Salt II agreement. The President took the comprehensive, long-range view on

this issue in spite of public and private advice to the contrary. His judgment in this matter has been prudent and mature and I believe we shall all be safer and better for it.

It was obvious that some short-term advantage might have been gained by ignoring Salt II, but a little reflection is enough to indicate that it would not be long before the Soviet Union balanced the score and resumed the contest. President Reagan has wisely rejected this course of action.

It is a necessary feature of the American political system that each of us express a view on important issues. All too often that view is critical or negative because we attempt to alter the course or bring about a change of policy. But it is equally necessary to support and defend actions that we think are right and I am glad to be able to do so in this instance.

An interesting and useful comment on the President's decision appeared in the New York Times on April 22, 1986. It is of special value because its author, Paul Warnke, is uniquely qualified by experience and intellect to form a knowledgeable opinion. His judgment is independent of any partisan bias in this case because he speaks as a Democrat praising a Republican President. It is worth reading.

I ask unanimous consent that Mr. Warnke's article be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE STAKES IN REAGAN'S SALT DECISION  
(By Paul C. Warnke)

WASHINGTON.—Ronald Reagan has made one of the most important decisions of his Presidency. The disclosure yesterday that he would uphold the SALT II treaty could be a long-awaited first step toward a more comprehensive United States-Soviet arms control regime. At the very least, he has narrowly avoided a long-lasting setback for nuclear sanity.

It was not, however, an easy decision for him to make—and the fact that he did, against the advice of some of his key strategists, and perhaps even against his own earlier inclinations, makes him even more deserving of our praise.

On May 20, the Nevada will begin its sea trials. With its 24 missile launchers, this Trident-class submarine would have put the United States over the SALT II treaty's limit of 1,200 multiple-warhead missiles by 22. Mr. Reagan has now chosen to continue compliance with the treaty by dismantling at least the same number of missiles by retiring and destroying two older Poseidon submarines.

Critics of arms control, citing purported Soviet treaty violations, had been pushing harder than ever for the President to abandon SALT II. Moreover, he faced a self-imposed dilemma. When he chose last June to abide by SALT II for the time being, he also declared that future Soviet violations would be answered with the policy of "proportionate response"—that is, selective counterviolations.

On the surface, the President's choice seemed simple. Most of the allegations of

Soviet violations of SALT II were of questionable validity, and none involved anything of real military significance. And, since the Soviet Union is in a far better position than we are to expand its strategic nuclear weapons in the absence of SALT II's restraints, continued compliance is clearly in the best interest of our national security.

These facts are themselves dictated that the President reaffirm SALT II and continue his course of the past five years. But there is a lot more at stake this time. In the first place, Gramm-Rudman-Hollings may succeed where the Soviet negotiators in Geneva have failed. The President's budget request for defense may be cut by up to \$60 billion in 1987 alone. Unless he is willing to slash conventional forces to the bone, cuts in strategic weaponry are unavoidable. This is especially so with the Strategic Defense Initiative budget growing by leaps and bounds. If the President won't cut back through negotiations, it will likely be done for him.

Secondly, the Soviet Union would not have waited forever. Mikhail S. Gorbachev made a number of important concessions in his three-month-old sweeping arms control proposal. Our reply in February contained nothing new, and amounted, if anything, to a hardening of our earlier position. If his offers had not been taken more seriously, Mr. Gorbachev might have decided to junk SALT II himself, even if Mr. Reagan had not. Facing his own hardliners, Mr. Gorbachev could not have waited indefinitely while America answered him with little more than contempt.

Third, the Strategic Defense Initiative is looking more and more like a turkey. Ballooning budgets and a splashy public-relations campaign cannot hide news of test failures, skeptical scientists and sharply reduced expectations. The longer we wait, and the clearer it grows that the Initiative is far less than advertised, the less likely it is that the Soviet Union will give up much in exchange.

In short, Mr. Reagan stood at a crossroads. After five years of stalemate in arms control, events were perilously close to getting out of his hands. He had to decide just how serious he was about negotiating with Moscow—and act accordingly.

It could not have been easy for him. The chaos over arms control policy in this Administration is the stuff of legend. For example, when Defense Secretary Caspar W. Weinberger recently charged that the Soviet Union had exceeded SALT II's limits on strategic launchers, the Joint Chiefs of Staff explained they had not. One week after the Central Intelligence Agency admitted that it had been overestimating its measurements of Soviet nuclear test yields, the Arms Control and Disarmament Agency reiterated its charge that Moscow had violated the 150 kiloton threshold for underground nuclear tests.

Whether by design or by accident, the Administration's intransigence on arms control has brought some grudging but significant concessions from new Soviet leadership. And the Strategic Defense Initiative, for the time being at least, worries Mr. Gorbachev enough that we could well trade limits on its development for deep cuts in the Soviet Union's most threatening offensive weapons. Mr. Reagan's commendable action may help to keep this "window of opportunity" open.

Paul C. Warnke, chairman of the Committee for National Security, a public policy organization, was director of the Arms Con-

trol and Disarmament Agency and chief United States negotiator in the SALT II talks in 1977 and 1978.

CONCLUSION OF MORNING  
BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

CONCURRENT RESOLUTION ON  
THE BUDGET, FISCAL YEAR 1987

The PRESIDING OFFICER. The Senate will now resume consideration of Senate Concurrent Resolution 120, which the clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 120) setting forth the congressional budget for the United States Government for the fiscal years 1987, 1988, and 1989.

The Senate resumed consideration of the concurrent resolution.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Thank you, Mr. President.

I yield myself such time as I may consume.

Mr. DOMENICI. Mr. President, I wish to take just a few moments, since today is the day that the U.S. Supreme Court is going to hear oral arguments in the appeal of Synar against United States, constitutional challenge to Gramm-Rudman-Hollings.

I am sure that from what I have heard, and particularly what I have heard from some of the House Members and some of the House leadership, that there is sort of a sigh of relief around anticipating that the Supreme Court is going to affirm the lower court in Synar versus United States and that the pressure is off. I have heard that from some of the House leadership the other day.

Obviously, the Senator from New Mexico has been assuming that if we do not get a budget which meets the deficit reduction target, it means we are going to have an across-the-board sequester. I have assumed one way or another it is going to happen.

There are those who assume this is going to be a very predictable decision by the Supreme Court, that they are just going to automatically affirm that lower court decision that the Comptroller General cannot make the final calculations and send the order to the President for signature. I believe that the case is clearly to the contrary.

We have had another court case in the meantime that is not nearly as heralded as Synar against United States. But I wish the Senate to know that in *Ameron* against U.S. Army Corps of Engineers, the Court has ruled exactly to the contrary on exactly the same issue.



In that case, Ameron against U.S. Corps of Engineers, the third circuit examined the same issues—namely, the characterization of the Office of the Comptroller General—and came down with a well-reasoned opinion that I will include in the RECORD. That opinion held exactly the opposite with reference to constitutional separation of powers as it applies to the characterization of the Comptroller General.

Let me give you a brief summary of the case.

The Competition in Contracting Act [CICA], which was enacted as part of the Deficit Reduction Act of 1984, permits a bidder who disputes the terms or awarding of a Government contract to challenge the award by filing a protest with the Comptroller General.

The filing of a protest stays the awarding of the contract until either the Comptroller General makes a decision on the protest or the agency head certifies in writing that urgent circumstances require that the contract be awarded.

Decisions of the Comptroller General are limited to recommendations that the agency terminate or rebid the contract, issue a new solicitation, refrain from exercising options under a contract, or award a different contract.

At issue in this case was the power of the Comptroller General to lift stays on contracts.

In the words of the Court of Appeals:

If the Comptroller General . . . is deemed to be an agent of Congress, then his possession of executive powers and duties is arguably unconstitutional. On the other hand, if he is an executive agent, then the performance of executive duties by the Comptroller would arguably create no constitutional problem.

Unlike the district court in Synar, the 3d Circuit Court of Appeals found that the Comptroller General is definitely not an agent of Congress. The court held:

The power of removal does not determine to which branch the Comptroller belongs. Rather, if anything, it is the power of appointment that should control. . . . Indeed, a practical analysis of how the Comptroller General and the GAO actually function reveals that the removal power vested in Congress is a power of limited importance. . . . With a 15-year, non-renewable term, the Comptroller General . . . appears to be one of the most independent officers in the whole of the federal government. . . .

The Appeals Court then explicitly disagreed with the Synar decision:

We decline to follow the approach taken by the Synar court. . . . The core principle of Humphrey's Executor, a key precedent in this area of the law, "was that Congress could create agencies exercising dual functions and which were independent of unfettered executive control. In their blend of powers and functions, the Comptroller General and the GAO closely resemble the Federal Trade Commission and other fourth branch agencies."

Mr. President, if the Supreme Court follows the very compelling reasoning of the 3d Circuit Court of Appeals, Gramm-Rudman-Hollings, in its entirety, including the GAO's function as an arbiter and as the one that sends the order to the President confirming the across-the-board cuts, will be upheld.

This should be sobering news to those who believe the Supreme Court will remove the prospect of future sequester orders.

Mr. President, I send a copy of the Ameron decision to the desk and ask unanimous consent that it be printed in the RECORD.

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

United States Court of Appeals for the Third Circuit

[NOS. 85-5226 & 85-5377]

(AMERON, INC. AND UNITED STATES SENATE, INTERVENOR, THOMAS P. O'NEILL, SPEAKER OF HOUSE OF REPRESENTATIVES AND BIPARTISAN LEADERSHIP GROUP, INTERVENORS, APPELLEE, v. U.S. ARMY CORPS OF ENGINEERS; LT. COL. MICHAEL K. COLLMEYER, CONTRACTING OFFICER, UNITED STATES OF AMERICA; AND SPINIELLO CONSTRUCTION COMPANY, UNITED STATES OF AMERICA, APPELLANT)

(Appeal from the United States District Court for the District of New Jersey (D.C. No. 85-1064))

Richard K. Willard, Esq. (Argued), Assistant Attorney General; W. Hunt Dumont, Esq., United States Attorney; Paul Blankenstein, Esq., U.S. Department of Justice, Appellate Staff, Civil Division, Room 3619, 10th & Pennsylvania Ave., N.W., Washington, D.C.; Attorneys for Appellant, United States of America.

Edward G. D'Alessandro, Esq., D'Alessandro, Sussman, Jacovino & Mahoney, 147 Columbia Turnpike, Florham Park, New Jersey 07932; Attorneys for Appellant, Spinello Construction Company.

Michael Davidson, Esq. (Argued), Senate Legal Counsel; Ken U. Benjamin, Jr., Esq., Deputy Senate Legal Counsel; Morgan J. Frankel, Esq., Assistant Senate Legal Counsel, 642 Hart Senate Office Bldg., Washington, D.C. 20510; Attorneys for Appellee, United States Senate.

Theodore I. Botter, Esq. (Argued), Meyer & Landis, Esqs., Gateway 1, Suite 2500, Newark, New Jersey 07102; Attorneys for Appellee, Ameron, Inc.

Steven R. Ross, Esq., General Counsel to the Clerk; Charles Tiefer, Esq. (Argued), Deputy General Counsel to the Clerk; Michael L. Murray, Esq., Assistant Counsel to the Clerk, U.S. House of Representatives, The Capitol, H-105, Washington, D.C. 20515; Attorneys for Intervenor-Appellees Speaker and Bipartisan Leadership Group.

David S. Cohen, Esq., Sharon R. Gross, Esq., Cohen & White, 2934 M Street, N.W., Washington, D.C. 20007; Attorneys for Amicus Curiae, Computer & Communications Industry Association.

Harry R. Van Cleve, Esq., General Counsel; Seymour Efros, Esq., Associate General Counsel; Robert P. Murphy, Esq. (Argued), Attorney, U.S. General Accounting Office, 441 G Street, N.W., Washington, D.C. 20548; Attorneys for Amicus Curiae, The Comptroller General of the United States.

#### OPINION OF THE COURT

GARTH, Circuit Judge:

This appeal presents, in a rather prosaic setting, a problem of profound constitutional significance concerning the division of power among the three branches of our federal government. At issue is the constitutionality of the automatic stay provisions of the Competition in Contracting Act (CICA), Pub. L. No. 98-369, Subtitle D, 98 Stat. 1199-1201, codified at 31 U.S.C.A. § 3553 *et seq.* (West Supp. 1985). The United States Army Corps of Engineers and the other executive department defendants [hereinafter referred to collectively as the Army] appeal from a decision of the district court declaring the CICA stay provisions to be constitutional and ordering broad injunctive relief to plaintiff Ameron and the Congressional intervenors.

We now affirm the district court's holding that the Comptroller General, as head of the General Accounting Office, is an independent official with duties involving both the legislative and executive branches of the United States government. As such, he may constitutionally exercise the powers conferred upon him by CICA. We also conclude, however, that the injunction granted by the district court was broader than necessary to grant the full relief to which plaintiffs were entitled, and therefore modify the injunction as specified below.

I.

A.

Congress created the General Accounting Office (GAO) and the Office of the Comptroller General by the Budget and Accounting Act of 1921, Pub. L. No. 13, § 301, 42 Stat. 20, 23. The 1921 Act was the culmination of Congressional efforts over many years to provide accountability for the federal government's finances. The original Comptroller of the Treasury was an executive officer within the Treasury Department. 1 Stat. 65-66 (1789). The Comptroller continued as an executive officer with executive functions under subsequent enactments. See, e.g., Act of March 3, 1817, 3 Stat. 366; Dockery Act of 1894, 28 Stat. 162, 205.

When they were created to replace the Comptroller of Treasury, the GAO and the Comptroller General were initially empowered to report to Congress and assist Congress in the budget process. 1921 Act, §§ 304-312, 42 Stat. 23-26. Even in 1921, however, the Comptroller General, even though created in part to assist Congress, was assigned duties that were not traditionally "legislative": auditing and setting public accounts, countersigning treasury warrants, prescribing "the forms of keeping and rendering all public accounts"—these and other executive duties were given to the GAO and the Comptroller General by the 1921 Act, which also abolished the Comptroller of the Treasury. §§ 301, 304, 310. The parties do not dispute that the Comptroller General continues to perform significant duties that are both "legislative" and "non-legislative," i.e., executive, in nature.

As an adjunct of its account-settling role, the Comptroller General over the years began to hear protests from disappointed bidders on government contracts. See *Wheelabrator Corp. v. Chafee*, 455 F.2d 1306, 1313 (D.C. Cir. 1971). This role was formalized by the Competition in Contracting Act (CICA) in 1984. 31 U.S.C.A. §§ 3351-3356 (West Supp. 1985). CICA was enacted to remedy a major loophole in the long-standing GAO review procedure: by the time the GAO reviewed most bid protests, the protests had

become moot because either the contract had been let or the contractor was engaged in performing under the contract. While GAO regulations provided for a stay of either the granting or performance of the contract in some circumstances, *See Merriam v. Kunzig*, 476 F.2d 1233, 1236 & n.1 (3d Cir. 1973), this stay was easily overridden by the contracting agency involved. The result was that most procurements became *faits accomplis* before they could be reviewed. This situation was identified by Congress as a contributing factor to the crisis of waste in federal procurement. In particular, Congress recognized as a problem that of \$168 billion in government contracts awarded in fiscal year 1983, only about one-third, \$54 billion, was awarded on a competitive basis. *Competition in Contracting Act of 1984*; H.R. Rep. No. 1157, 98th Cong., 2d Sess. 12 (1984). In enacting CICA, Congress attempted to provide effective review of bid challenges, and in the process to encourage competition in contracting. *See Opinion of District Court*, slip op. at 31.

In relevant part, CICA permits a potential or actual bidder who disputes the terms or awarding of a government contract to challenge the procurement or the award of the contract by filing a protest with the Comptroller General. Upon receiving the protest, the Comptroller General must "within one working day" notify the agency involved, which must then make a report on the challenged contract. 31 U.S.C. § 3553(b)(1).

The filing of a protest freezes, or stays, the awarding of the contract or any action under it until either the Comptroller General makes a decision on the protest or the agency head certifies in writing that "urgent and compelling circumstances which significantly affect interest of the United States" require that the contract be awarded, 31 U.S.C. § 3553(c)(2), or that "the best interests of the United States" require that performance proceed under a contract already awarded by the agency. 31 U.S.C. § 3553(d)(2).

The Act requires the Comptroller General to issue a final decision on the protest within 90 working days unless he determines in writing that the circumstances of the protest require more time. 31 U.S.C. § 3554(a)(1). The Comptroller General may also exercise an "express option" to expedite review of certain cases within 45 calendar days, 31 U.S.C. § 3554(a)(2), and may dismiss patently frivolous or meritless claims on a summary basis. 31 U.S.C. § 3554(a)(3).

The power of the Comptroller General in rendering his decision is limited to a *recommendation* that the agency, *inter alia*, terminate or rebid the contract, issue a new solicitation, refrain from exercising options under a contract, or award a different contract consistent with law. 31 U.S.C. § 3554(b)(1). The only affirmative power provided to the Comptroller General is to award a prevailing protester its bid and proposal preparation costs, as well as its costs and attorneys' fees in filing and pursuing the bid protest. 31 U.S.C. § 3554(c)(1).

President Reagan signed CICA into law as part of the omnibus Deficit Reduction Act of 1984, but he declared the automatic stay provision unconstitutional upon the advice of the Attorney General and ordered the executive department not to observe it. Accordingly, the Office of Management and Budget issued instructions to executive agencies to proceed with the procurement process "as though no such [stay] provi-

sions were contained in the act." OMB Bulletin No. 85-8 at 2 (Dec. 17, 1984).

#### B.

The mundane facts underlying the present controversy belie the compelling nature of the constitutional question before us. In late 1984, Ameron submitted a bid on a proposed contract to clean and repair sewer lines at West Point, New York. The Army's "Invitation for Bids" required an interested party to submit along with its bid a bond guaranteeing 20 percent of the bid amount. When the sealed bids were opened, Ameron was the apparent low bidder with an offer of \$1,033,000, about \$200,000 less than the next lowest bidder, defendant Spiniello Construction Company. However, Ameron's bid was rejected because the dollar amount of the bond had been altered without any indication that the surety had agreed to be bound by the change. Although Ameron contended that the change was merely the result of a typist's error,<sup>1</sup> the agency rejected Ameron's bid as non-responsive to the terms of the invitation and awarded the contract to Spiniello. *See Affidavit of Michael K. Collinger* at 1-2.

On March 1, 1985, within ten days of the awarding of the contract, Ameron filed a protest with the Comptroller General, claiming that the Army had wrongfully rejected its bid. Three days later, Ameron filed suit in federal district court claiming that the Army had arbitrarily rejected its bid and seeking a preliminary injunction to restrain the Army and the victorious bidder from proceeding with the contract pending the outcome of Ameron's protest to the Comptroller General. Ameron also sought a temporary restraining order enjoining performance of the contract.

The district court first denied the request for a temporary restraining order, and then granted it on March 7, 1985 when the stay provisions of 31 U.S.C. § 3553(d)(1) were brought to its attention, pending a hearing on the preliminary injunction to be held March 18, 1985. After hearing argument on March 18 and granting the motion of the Senate, the Speaker, and the Bipartisan Leadership Group of the House to intervene as plaintiffs to support the constitutionality of CICA, the district court eventually granted the preliminary injunction on March 27, 1985. 607 F. Supp. 962 (D.N.J. 1985).

In an oral opinion delivered from the bench, the court rejected Ameron's claim that the Army had acted arbitrarily. That ruling is not before us on appeal. The court concluded, however, that Ameron was entitled to a preliminary injunction enforcing a stay because the CICA stay provision was constitutional. The court held that Congress could delegate the non-legislative power to lift the stay to the Comptroller General because he was appointed by the President in accordance with the Appointments Clause of the Constitution, Art. II § 2, Cl. 2, and therefore was not merely an agent of Congress. *Id.* at 971-74. The Army filed a timely notice of appeal from the injunction ruling. A month later, on April 29, 1985, the Comptroller General issued a decision denying Ameron's protest on the merits.<sup>2</sup> The parties agreed that this did not render the case moot, and proceeded to file cross-motions, for summary judgment.

The court thereafter denied Ameron's motion for summary judgment on the merits of its bid protest, but granted the motion of the intervenors for a permanent

injunction ordering the federal government to comply with and implement 31 U.S.C. § 3553. 610 F. Supp. 750 (D.N.J. 1985). We reproduce the full text of the court's order in the appendix.

The court also declared 31 U.S.C. § 3553 to be constitutional, and joined OMB Director David Stockman and Defense Secretary Caspar Weinberger as necessary defendants. Although the injunction contains no language limiting its application to less than the entire federal government, it is apparent from the court's oral opinion that it intended its order to have controlling effect only within the District of New Jersey. *See id.* at 756. The Army appealed again, and the appeals (Nos. 85-5226, 85-5377) were consolidated for review by this court.

#### II.

At the outset, we must determine if this case was rendered moot by the disposition of Ameron's original bid protest by the Comptroller General. Although the Comptroller General's decision lifted the stay provided by CICA, arguably obviating the need for an injunction, it is urged that this case is not moot. Even when no more relief may be granted to a plaintiff, a case may continue to decision and remain viable on appeal if the problem presented is "capable of repetition yet evading review." *See In re Kulp Foundry*, 691 F.2d 1125, 1128-29 (3d Cir. 1982). This standard applies if 1) the problem allegedly causing injury is resolved within too short a time period to ever be fully litigated and appealed, and 2) the party seeking relief is likely to be subject to the same injury in the future. *Murphy v. Hunt*, 455 U.S. 478, 482 (1982). *See also Roe v. Wade*, 410 U.S. 113, 125 (1973).

The parties agree that this case is an appropriate one for application of the rule, and we concur. A bid protest will usually be resolved within 90 days, so that by the time a case be appealed to this court, it will almost always face the prospect of being regarded as moot. Moreover, Ameron, as a company frequently seeking government contracts, represented that it is likely to be faced with a similar situation again: desiring to protest a contract decision but being unable to obtain the statutorily guaranteed stay while its protest is being reviewed. Lest the issue presented evade review, we hold that the present dispute is not moot, and we proceed to consider this case on the merits.

#### III.

As the Supreme Court observed in *Buckley v. Valeo*, 424 U.S. 1, 124 (1976), "The principle of separation of powers was not simply an abstract generalization in the minds of the Framers: it was woven into the document that they drafted in Philadelphia in the Summer of 1787." The Constitution creates three distinct branches of government and vests specific powers in each. This design is intended to block tyranny by any one branch by providing a series of checks and balances to diffuse concentrations of power. "The hydraulic pressure inherent within each of the separate Branches to exceed the outer limits of its power, even to accomplish desirable objectives, must be resisted." *INS v. Chadha*, 462 U.S. 919, 951 (1983).

Nevertheless, the Court has rejected any notion that the branches are hermetically sealed. While the Constitution diffuses power the better to secure liberty, it also contemplates that practice will integrate the dispersed powers into a workable government. It enjoins upon the branches separateness but interdependence, autonomy

<sup>1</sup>Footnote at end.



but reciprocity." *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 635 (1952) (Jackson, J., concurring). See *Buckley*, 424 U.S. at 121. Moreover, this court has recently emphasized that separation of powers analysis must focus pragmatically on whether the challenged provision actually or potentially interferes with the ability of the affected branch to accomplish its constitutionally assigned functions. In *re The President's Commission on Organized Crime Subpoena of Nicodemo Scarfo*, No. 85-3023, slip op. at 11 (3d Cir. Feb. 14, 1986). See also *Nixon v. Administrator of General Services*, 433 U.S. 425, 443 (1977).

In applying the separation of powers principle, which is not explicitly mentioned in the Constitution but which undergirds the Constitutional philosophy, the Court has more than once felt compelled to rein in one or another branch of government. The Court has held that Congress, as the legislative branch, may not delegate to itself or its agents executive or judicial power. *Hampson & Co. v. United States*, 276 U.S. 394, 406 (1928); that the executive may not exercise legislative power belonging only to Congress, *Youngstown*; and that executive and administrative duties of a non-judicial nature may not be imposed upon Article III judges. *United States v. Ferreira*, 54 U.S. (13 How.) 39, 50-51 (1952). See generally *President's Commission (Scarfo)*, *supra*.

Moreover, the power of appointment and removal must be exercised in conformity with the separation of powers. Congress may not curtail the power of the President to remove purely executive officials, *Myers v. United States*, 272 U.S. 51 (1926), but may create agencies which exercise mixed duties whose members may be protected from removal by the executive without cause. *Humphrey's Executor v. United States*, 295 U.S. 602, 629 (1935). Congress may not, however, retain for itself the power to appoint officials of the government who exercise executive power. *Buckley*, 424 U.S. at 126.

While disputing the application of these rules to the case at hand, the parties do appear to agree on one point: the key issue in this case is the characterization of the Office of the Comptroller General. If the Comptroller General, as the Army argues, is deemed to be an agent of Congress, then his possession of executive powers and duties is arguably unconstitutional. On the other hand, if he is an executive agent, then the performance of executive duties by the Comptroller would arguably create no constitutional problem.

The only other court that has addressed the question whether the Comptroller General may constitutionally exercise the powers granted under CICA concluded, following the reasoning of the district court in the present case, that the Comptroller could constitutionally exercise mixed powers. See *Lear Siegler, Inc. v. Lehman*, No. CV 85-1125-KN, slip op. at 7-11 (C.D. Cal. Nov. 21, 1985).

In a recent decision, a three-judge panel in the United States District Court for the District of Columbia<sup>3</sup> held that certain provisions of the Balanced Budget and Emergency Deficit Control Act of 1985, popularly known as the Gramm-Rudman-Hollings Act, were unconstitutional because they vested executive powers in the Comptroller General. *Synar v. United States*, No. 85-3945 (D.D.C. February 11, 1986). Under the *Synar* analysis, the Comptroller General was not permitted to exercise these powers under the Constitution. The court did not reach a firm conclusion regarding the char-

acterization of the Comptroller General as an agent or member of a particular branch of the government, but concluded that executive power to mandate budget cuts could not be delegated to "an officer removable by Congress." *Id.*, slip op. at 48.

In resolving the central question of characterization as it is presented on this appeal, we confront plausible arguments on both sides. Several factors weigh in favor of considering the Comptroller General to be an executive officer. Foremost among these factors is that the Comptroller General exercises significant executive functions in managing the accounts of the federal government and is appointed by the President—factors which, in and of themselves, arguably render the Comptroller an "Officer of the United States" under *Buckley*, 424 U.S. at 126. The historic roots of the Comptroller's functions in the Treasury Department also militate against finding that the Comptroller is merely a legislative agent.

Against these factors, the Army marshals a great welter of dicta and conclusory statements to the effect that the Comptroller General is not an executive officer but rather an agent or member of the legislative branch. Several courts, first of all, have stated without extensive analysis that the GAO is an arm of the Congress. See, e.g., *McDonnell Douglas Corp. v. United States*, 754 F.2d 365, 368 (Fed. Cir. 1985); *United States v. McDonnell Douglas Corp.*, 751 F.2d 220, 224 (8th Cir. 1984); *M. Steinthal & Co. v. Seaman*, 455 F.2d 1289, 1305 (D.C. Cir. 1964). The Army also cites to numerous points in the legislative history of the 1921 Act and in other statutes where the GAO is characterized or labeled as a "legislative" agency. See, e.g., 61 Cong. Rec. 1080 (Comptroller General "is to be the arm of the Congress"; Rep. Good); *id.* at 1081 (Comptroller General is "representative of Congress" unlike Director of the Bureau of the Budget "who serves the President and is the personal representative of the President"; Rep. Byrns); 2 U.S.C. § 701(e) (Comptroller General listed as within the "Legislative Branch" in the Ethics in Government Act); 59 Stat. 616 (1945) (GAO stated to be part of legislative branch in Reorganization Act of 1945).

While we recognize the authority cited by the Army, we nevertheless cannot resolve the issue before us merely on the basis of the quantity of citation. We must beware of what Justice Cardozo described as "the tyranny of labels." *Snyder v. Massachusetts*, 291 U.S. 97, 114 (1934). Indeed, in *Buckley*, the Supreme Court specifically noted that "irrespective of Congress' designation [of the Comptroller General as a 'Legislative Officer'], cf. 31 U.S.C. § 65(d), the Comptroller General is appointed by the President in conformity with the Appointments Clause [and therefore may exercise executive functions]. 424 U.S. at 128 n.165.

Instead of "decision by label," we must focus on function and reality. Clearly, the GAO and the Comptroller General perform legislative and non-legislative duties. Indeed, they also perform quasi-judicial functions. In that respect, they resemble the modern regulatory agency. Therefore, the mere recital by the Army of the Comptroller General's legislative functions, which involve investigating and reporting to Congress, does not make the Comptroller General an agent of the legislature.

In characterizing the Comptroller General as an agent of the legislature, the Army also stresses the power of Congress to remove

the Comptroller from office. The Army argues that Congress may constitutionally remove only its own agents, i.e., members of the legislative branch, and that Congress therefore in reserving to itself the power to remove the Comptroller General had implicitly acknowledged that the Comptroller General is an agent of the legislature. By the same token, argues the Army, Congress must have recognized that the Comptroller General could not be an agent of the executive, because Congress may not constitutionally remove from office agents who are purely executive in character.

To support this argument, the Army relies heavily on *Myers v. United States*, 272 U.S. 52 (1928), in which the Supreme Court held that the President's power to remove purely executive officers could not be curtailed by Congress. However, *Myers* was severely limited by *Humphrey's Executor*, in which the Court approved Congress's attempt to insulate members of the Federal Trade Commission from removal without cause by the President.

"We think it plain under the Constitution that illimitable power of removal is not possessed by the President in respect of officers of the character of those just named [members of FTC, ICC and Court of Claims]. The authority of Congress, in creating quasi-legislative or quasi-judicial agencies, to require them to act in discharge of their duties independently of executive control cannot well be doubted; and that authority includes, as an appropriate incident, power to fix the period during which they shall continue in office, and to forbid their removal except for cause in the meantime. For it is quite evident that one who holds his office only during the pleasure of another, cannot be dependent upon to maintain an attitude of independence against the latter's will." 295 U.S. at 629.

It is not clear whether Congress's power to limit removal by the President includes the power to retain to itself removal power over "mixed-power" officers of the United States. There are two questions implicated by the Army's argument on this issue, however, which must be addressed separately: (1) whether the provision permitting Congress to remove the Comptroller General is constitutional, and (2) whether the mere existence of this provision renders the Comptroller General an agent of Congress for the purposes of this case.

#### A.

The first question is not ripe for review in this case at this time. Congress has never tried to remove a Comptroller General and is unlikely to do so in the foreseeable future. The constitutionality of the removal provision, therefore, has yet to be tested, and because Congress in this case has not sought to remove the Comptroller General, we do not deem the constitutionality of the removal provision to be justiciable. See *Hastings v. Judicial Conference of the United States*, 770 F.2d 1093, 1100-01 (D.C. Cir. 1985).

By so holding, we decline to adopt the contrary conclusion reached in *Synar*, *supra*. In *Synar*, the court concluded that the issue of Congress' power to remove the Comptroller General was ripe for review, relying upon *Northern Pipeline Construction Co. v. Marathon Pipe Line Co.*, 458 U.S. 50 (1982), in which the Supreme Court declared unconstitutional the delegation of Article III powers to bankruptcy judges not appointed in conformance with Article III. The district court in *Synar* held that since

the Supreme Court had relied in part on the fact that bankruptcy judges could be removed for cause, the question of congressional removal power over the Comptroller General was similarly ripe for review. Slip op. at 29-30.

*Northern Pipeline*, however, does not control the present case. The Court struck down the statutory scheme in that case as facially violative of Article III, in that bankruptcy judges were appointed to fixed 14 year terms and could be removed for cause. Since the Court found that the judges therefore were clearly not Article III judges under the plain language of the Constitution, the unconstitutionality of their appointment and exercise of power was immediately ripe for adjudication.

By contrast, in this case, there is no challenge to the appointment of the Comptroller General, which is agreed to be in conformance with the appointments clause, nor to the Comptroller General's 15 year statutory tenure. The only issue raised in this context is the constitutionality of the congressional removal provision, which has never been exercised in more than 60 years. Therefore, unlike *Northern Pipeline*, where the constitutionality question was ripe, here an additional act must be undertaken in order to meet the "ripeness" requirement. That act would be an attempted removal of the Comptroller General by Congress.

Moreover, even if the question were justiciable, and the provision granting Congress the power to remove the Comptroller General were found to be unconstitutional, that would only be because of a determination that the Comptroller General is indeed a member of the executive branch. The remedy in such a case would not be to hold the "stay" powers of the Comptroller General to be unconstitutional, but to sever as unconstitutional the provision which grants Congress the power to remove him. See *Myers*, 272 U.S. at 176.<sup>4</sup>

#### B.

As to the second question—whether the existence of Congress' power to remove the Comptroller General is determinative of the particular branch of which the Comptroller General is a member—our answer is that the power of removal does not determine to which branch the Comptroller General belongs. Rather, if anything, it is the power of appointment that should control. See *Buckley v. Valeo*, 424 U.S. 1, 126 (1976). Moreover, the fact that the Comptroller General is not under executive control does not necessarily mean that he is under legislative control. Indeed, a practical analysis of how the Comptroller General and the GAO actually function reveals that the removal power vested in Congress is a power of limited importance. In more than 60 years of the GAO's existence, Congress has never exercised its power to remove a Comptroller General.

Viewed pragmatically, the Comptroller General functions independently of Congress in exercising his role of reviewing bid protests. There is no evidence in the record that Congress has ever, as a body or through individual members, exerted control over this process. With a 15-year, non-renewable term, the Comptroller General therefore appears to be one of the most independent officers in the whole of the federal government, and one whose functions are drawn from each of the branches. See *Constitutionality of GAO's Bid Protest Function: Hearings Before the Subcomm. on Legislation and National Security of the House Comm. on Government Operations*,

99th Cong., 1st Sess. 35-36 (1985) testimony of Prof. Sanford Levinson [hereinafter cited as *Hearings*].

It is not surprising that, like many modern governmental units, the Comptroller General cannot neatly be labelled as totally the creature of one branch or another. This was recognized more than 20 years ago in *United States ex rel. Brookfield Construction Co. v. Stewart*, 234 F. Supp. 94, 99 (D.D.C. 1964) *aff'd*, 339 F.2d 753 (D.C. Cir. 1964):

"The Comptroller General is the head of the General Accounting Office, 31 U.S.C. § 41. Unlike heads of most departments and establishments of the Government, he occupies a dual position and performs a two-fold function. First, he makes investigations of matters relating to the receipt, disbursement and application of public funds, and reports the results of his scrutiny to the Congress with appropriate recommendations. In addition he pursues investigations that may be ordered by either House of Congress, or by any Committee of either House, in matters relating to revenue, appropriations or expenditures, 31 U.S.C. § 53. In performing these functions the status of the Comptroller General is that of an officer of the legislative branch of the Government. The Congress has comprehensive authority to undertake investigations in aid of legislation, or in connection with the appropriation of funds. Investigations are an aid to legislation and to the making of appropriations and are therefore auxiliary to the basic functions of Congress. The Congress may conduct investigations either through Committees or through an official such as the Comptroller General.

"The Comptroller General has also a second status as the chief accounting officer of the Government. His second principal function is that of approval or disapproval of payments made by Government departments and other agencies, as well as of settling and adjusting accounts in which the Government is concerned, 31 U.S.C. § 71. This is an executive function and in performing it the Comptroller General acts as a member of the Executive branch of the Government. The dual status of the General Accounting Office is not anomalous, for many regulatory commissions fulfill in part a legislative function and in part carry out executive duties, *Humphrey's Executor v. United States*, 295 U.S. 602, 55 S. Ct. 869, 79 L.Ed. 1611. Cf. *Myers v. United States*, 272 U.S. 52, 47 S.Ct. 21, 71 L.Ed. 160. Thus we have developed in comparatively recent years a fourth type of Government agency—one that combines two kinds of basic powers."

*Id.* at 99-100 (quoted with approval by court below, 607 F. Supp. at 970-71). We adopt the reasoning of the court in *Brookfield Construction* that the GAO is best viewed as a part of a headless "fourth branch" of government consisting of independent agencies having significant duties in both the legislative and executive branches but residing not entirely within either.

The description of the Federal Trade Commission contained in *Humphrey's Executor* provides a close analogy for describing the GAO and the Comptroller General: "The commission is to be non-partisan; and it must, from the very nature of its duties, act with entire impartiality. It is charged with the enforcement of no policy except the policy of the law. Its duties are neither political nor executive, but predominantly quasi-judicial and quasi-legislative. Like the Interstate Commerce Commission,

its members are called upon to exercise the trained judgment of a body of experts, 'appointed by law and informed by experience.' [citation omitted].

"[The Commission is to be 'independent of any department of the government . . . a board or commission of dignity, permanence, and ability, independent of executive authority, except in its selection, and independent in character.'"]

295 U.S. at 624-25 (quoting statement of Senator Newlands).

The district court correctly followed *Brookfield Construction* in holding that the GAO is a hybrid agency of the kind described in *Humphrey's Executor* and that the Comptroller General may constitutionally exercise executive functions in reviewing bid protests because he is appointed pursuant to the Appointments Clause and performs executive duties. Although a legislative officer may not be given executive duties, many executive or "fourth branch" officers perform mixed duties and therefore function in dual capacities. As the Supreme Court noted in *Springer v. Phillipine Islands*, 277 U.S. 189 (1928):

"Not having the power of appointment, unless expressly granted or incidental to its powers, the legislature cannot engraft executive duties upon a legislative office, since that would be to usurp the power of appointment by indirection: though the case might be different if the additional duties were devolved upon an appointee of the executive."

*Id.* at 202, quoted with approval in *Buckley*, 424 U.S. at 136-37.<sup>5</sup>

Our decision that both the GAO and the Comptroller General discharge their assigned functions with a measure of independence from both the legislative and executive branches undermines the Army's reliance on *Buckley* and *Chadha*. In both of those cases, the legislature usurped the executive's power by subjecting agency actions to direct political control. In *Buckley*, it did so by appointing members of the Federal Election Commission. In *Chadha*, it did so by ordering the deportation of an alien by a resolution not passed by both Houses or presented to the President. Here, no political, i.e., legislative control is being asserted over any executive prerogative; an additional executive power or non-legislative function has merely been assigned to an agency which from its inception has been functionally independent of political control.<sup>6</sup>

It must not be overlooked that through CICA, the act in question here, Congress has given the Comptroller General no ultimate veto over government appropriations. It has done no more than to furnish the Comptroller General with a tool to prevent *faits accomplis* and to encourage competition in contracting. The power of the contracting executive agency to override the stay in important circumstances provides a safety valve for any possible abuse by the Comptroller General. Most importantly, the long history of independence of the GAO supports the district court's view that the stay provision does not operate to permit intrusion by the legislative branch into executive or judicial decision making. Thus, the delicate balance of power among the branches of government has not been endangered or upset by our answer to the second question which we posed: that the mere existence of the power of Congress to remove the Comptroller General does not render the Comptroller an agent of Congress for the purpose of this case.<sup>7</sup>



## IV.

Although we hold that the district court properly upheld the constitutionality of the Comptroller General's stay powers, the Army argues forcefully that the injunction granted was unnecessarily broad. We recognize that the Army in so arguing must overcome the considerable discretion granted to the district court in framing injunctions. *Lemon v. Kurtzman*, 411 U.S. 192, 200 (1973). The trial court must be given leeway to fashion effective remedies to correct offenses to the Constitution. *Ramirez de Arellano v. Weinberger*, 745 F.2d 1500, 1521 (D.C. Cir. 1984) (en banc). Nevertheless, injunctive relief should be no broader than necessary to provide full relief to the aggrieved party. *Califano v. Yamasaki*, 442 U.S. 682, 702 (1979).

The Army argues that the district court attempted to require observance of the CICA stay provisions on a "government-wide" basis, i.e., nationally. On its face, the court's order contains no limiting language to rebut this reading. However, it is apparent from the court's oral opinion that it intended to order the federal government to observe CICA only within the District of New Jersey—the court's proper jurisdiction. See 610 F. Supp. at 756. Nevertheless, we agree that the injunction, even thus construed, went beyond that which was necessary to secure Ameron's rights.

There is no dispute that the Congressional intervenors were proper parties for the purpose of supporting the constitutionality of the CICA stay provision. See *Chadha*, 462 U.S. at 940.<sup>8</sup> To the extent, then, that the court declared CICA to be constitutional, the Congressional intervenors had standing to obtain the relief granted. However, the intervenors lack their own standing to obtain an injunction forcing compliance with the law. Nothing in the Ameron controversy gives Congress a direct "stake" in the enforcement of CICA. Once a law is passed and upheld a constitutional, Congress's interest in its enforcement is no more than that of the average citizen. See *Moore v. House of Representatives*, 733 F.2d 946, 951-52 (D.C. Cir. 1984), cert. denied, 105 S. Ct. 779 (1985). An ordinary citizen, in turn, has no standing to obtain an injunction to enforce the law, absent a personal stake in such enforcement. *Allen v. Wright*, 104 S. Ct. 3315, 3326 (1984); *AFGE v. Pierce*, 967 F.2d 303, 305 (D.C. Cir. 1982). The Congressional intervenors, therefore, do not have independent standing to seek an injunction ordering the federal government to enforce CICA.

However, despite their lack of independent standing, the intervenors may be entitled to injunctive relief on the same grounds and to the same extent as was available to Ameron. See *Director OWCP v. Perini North River & Associates*, 459 U.S. 297, 302-305 (1982) (to the extent OWCP Director does not have separate standing, he may seek reversal of lower court decision on grounds available to nonappealing aggrieved party). The question then is: what relief was available to Ameron?

In the absence of a certified class action, Ameron was only entitled to relief for itself. *National Center for Immigrant Rights v. INS*, 743 F.2d 1365, 1371-72 (9th Cir. 1984); *Davis v. Romney*, 490 F.2d 1367, 1366 (3d Cir. 1974). While the district court's entry of a declaratory judgment of constitutionality may serve as precedent for subsequent cases, an injunction directing the Army Corps of Engineers to honor the stay provisions of CICA only in the case provides full

relief to Ameron. See *Baeder v. Heckler*, 768 F.2d 547, 553 (3d Cir. 1985) (striking down nationwide injunction but leaving intact holding that regulation was invalid and grant of injunctive relief in plaintiffs case).

Ameron and the Congressional intervenors make several arguments in support of the broader relief granted. First of all, they argue that the Army never made any formal objection to the proposed scope of relief. We are not impressed with this claim, since the Army made clear during its colloquy with the district court that it objected to the broader injunctive relief granted. See May 28 transcript at 25-29.

More importantly, Ameron and the Congressional intervenors argue that the broader injunction was justified as a response to two expressions of defiance by the executive of each of its coordinate branches: First, the executive declared a duly enacted and signed law (CICA) to be unconstitutional and second, the executive intimated that it would not follow court decisions upholding that law.

As to the first issue, the record shows that upon the President's orders, the Attorney General instructed all executive agencies to ignore the stay provisions in CICA.<sup>10</sup> The Justice Department sought to justify this action as within the President's duty to defend the Constitution: "[I]n the case of a conflict between the Constitution and a statute, the President's duty faithfully to execute the law requires him not to observe a statute that is in conflict with the Constitution, the fundamental law of the land." *Hearings* at 318 (testimony of Acting Deputy Attorney General D. Lowell Jensen). See also *Meese, President's Right to Challenge Law*, *N.Y. Times*, May 21, 1985 (Letter to the Editor) Supp. App. at 180.

This claim of right for the President to declare statutes unconstitutional and to declare his refusal to execute them, as distinguished from his undisputed right to veto, criticize, or even refuse to defend in court, statutes which he regards as unconstitutional, is dubious at best.<sup>11</sup> The question of the President's actions, declarations, and purported refusal to order compliance with CICA, however, was not properly before the district court. Therefore, our task on this appeal is similarly limited to ruling only on the constitutionality of the statute before us, and on whether the remedy fashioned by the district court granted appropriate relief to the parties actually before the court. We are faced with no justiciable claim against the President stemming from an alleged usurpation of power.

The second challenged assertion of power by the executive branch is the threat of Attorney General Meese not to follow court decisions in this case. According to the Attorney General's testimony before the House's Committee on the Judiciary on April 18, 1985, the district court is not a "court of competent jurisdiction" to decide constitutional questions. Transcript of House Hearings at 24-25. Moreover, Mr. Meese declared the government's intention not to follow the district court's decision granting a preliminary injunction in Ameron until there was "an appellate decision." *Id.* at 31. Questioned further, Mr. Meese suggested that even a decision of this court—the Court of Appeals for the Third Circuit—might be ignored until the Supreme Court finally laid the matter to rest. *Id.* at 35-36. However, following the granting of permanent relief by the district court, the Army agreed to honor the stay provisions of CICA pending the disposition of

this appeal. See Brief of Appellee-Intervenors Speaker and Bipartisan Leadership Group of the House of Representatives at 18-19.

In framing its relief, the district court was understandably concerned with the executive challenge to its power. The district court engaged counsel for the Army in a discussion regarding the district court's competence to rule on CICA's constitutionality. In so doing, it elicited a concession that the court *did* have jurisdiction to rule on the question and to enforce its view through injunction in the District of New Jersey. May 28 transcript at 27. In its oral opinion, the court stressed its rejection of the executive's assertion of power to ignore an order of the district court and the suggestion of Attorney General Meese that the district court was not a court of "competent jurisdiction." 610 F. Supp. at 755-56.

It should be too obvious even to require restating that the district court, as an Article II court, has the power to rule on the constitutionality of an act of Congress and to impose appropriate remedies to compel compliance with an act found to be constitutional. That the executive in this case questioned this elementary principle did not, however, alter the specific task before the district court: to frame an injunction no broader than necessary to grant the full relief to which Ameron and the Congressional intervenors were entitled.

As Justice Douglas observed in his *Youngstown* concurrence, "[T]he emergency did not create power; it merely marked an occasion when power should be exercised." 343 U.S. at 629. Similarly, here, the felt need to reassert the constitutional scope of its power in the face of executive challenge did not create power in the district court that it did not already have, or change the judicial standards for the granting of injunctive relief. We therefore affirm the district court's obviously correct ruling that it is a court of competent jurisdiction to decide constitutional questions, even though we find the granted injunctive relief to be too broad under the circumstances of this case.

An injunction applying only to Ameron—ordering application of the CICA stay provisions in Ameron's case—would have provided Ameron with complete relief. While it was within the constitutional power of the court to grant broader relief, jurisprudence governing injunctive remedies will not permit it. We therefore affirm the May 20, 1985 order of the district court,<sup>12</sup> except as to its final paragraph which we modify. See *Evans v. Buchanan*, 555 F.2d 373, 381 (3d Cir. 1977) (en banc). The final paragraph of the district court's order originally provided:

"FURTHER ORDERED that defendants U.S. Army Corps of Engineers, Caspar W. Weinberger and David Stockman are permanently enjoined from applying Federal Acquisition Circular 84-6 or OMB Bulletin No. 85-8 insofar as they conflict with 31 U.S.C. § 3553, and are permanently enjoined to secure the issuance of regulations which comply with and implement 31 U.S.C. § 3553."

We hold here that this provision granted relief broader than that to which Ameron was entitled. We therefore substitute for that provision in the district court's order the following language appropriate to the case before us:

"FURTHER ORDERED that defendants U.S. Army Corps of Engineers, Caspar W. Weinberger, and David A. Stockman are permanently enjoined to comply with and

implement 31 U.S.C. § 3553 in the case of Ameron, Inc.'s bid protest filed March 1, 1985."

# V.

The May 20, 1985 order of the district court, as modified herein, will be affirmed in all other respects.

## APPENDIX

Text of District Court Order of May 20, 1985

This matter coming on to be considered by the court on application of Charles Tiefer on behalf of the Speaker and Bipartisan Leadership Group of the House of Representatives as plaintiffs-intervenors, and Morgan Frankel, on behalf of the Senate, plaintiffs-intervenor, and it appearing from the papers submitted, the prior oral argument, the entire record in this case, and the Opinion of this Court filed on March 28, 1985, that there are no material facts in genuine dispute regarding the issue of the constitutionality of the stay provision in the Competition in Contracting Act, 31 U.S.C. § 3553, and that plaintiff and the intervenors are entitled to judgment as a matter of law, and for good cause

It is on this 20th day of May 1985:

ORDERED that in issuing its Opinion filed March 28, 1985, and in issuing this Order, this Court has been exercising the historic jurisdiction regarding the constitutionality of Acts of Congress, possessed by the Judiciary alone, of a court of competent jurisdiction;

FURTHER ORDERED that intervenors' motions for summary judgment be, and they are hereby granted; and it is

FURTHER ORDERED that 31 U.S.C. § 3553 be and it is hereby declared to be constitutional; and it is

FURTHER ORDERED that defendants U.S. Army Corps of Engineers, Caspar W. Weinberger and David A. Stockman are permanently enjoined from applying Federal Acquisition Circular 84-6 or OMB Bulletin No. 85-8 insofar as they conflict with 31 U.S.C. § 3553, and are permanently enjoined to secure the issuance of regulations which comply with and implement 31 U.S.C. § 3553.

HAROLD A. ACKERMAN

U.S.D.J.

Becker, Circuit Judge, concurring in part: I join in Parts II and IV of the majority's opinion, and in its judgment. I disagree fundamentally with the majority's analysis in Part III however, and write separately to explain my views.

# I.

Central to the majority's finding that CICA is not unconstitutional is its conviction that the Comptroller General occupies an indeterminate place in our constitutional scheme, belonging to neither the legislative, nor the executive, nor the judicial branch. Relying on *United States ex rel. Brookfield Construction Co. v. Stewart*, 234 F. Supp. 94 (D.D.C. 1964), *aff'd*, 339 F.2d 753 (D.C.Cir. 1964), the majority states that "the Comptroller General cannot neatly be labelled as totally the creature of one branch or another," Maj. Op. at 27, and that "the GAO is best viewed as a part of a headless 'fourth branch' of government," *Id.* at 28.

Having thus severed the Comptroller General from any constitutional moorings within one of the three branches of government, the majority argues that because the GAO and the Comptroller General are "functionally independent of political control," *id.* at 31, and because the GAO has a "long history of independence," *id.* at 32,

the powers granted the Comptroller General are not unconstitutional. According to the majority: "the delicate balance of power among the branches of government has not been endangered or upset [by the provision of CICA permitting congressional removal for cause of the Comptroller General]," *id.*, and CICA is thus constitutional.

In my view, the majority's argument has gone awry on its very first step, its refusal to place the Comptroller General in one branch of government or another. The Constitution establishes three branches of government, not four. Moreover, because ours is a government of enumerated powers, there can be no branch of government not established by the Constitution. It therefore follows that there can be no fourth branch, headless or otherwise.

I admit that scholars often refer to administrative agencies as the "fourth branch" of government. See e.g., Strauss, *The Place of the Agencies in Government: Separation of Powers and the Fourth Branch*, 84 Colum. L. Rev. 573 (1984). The Supreme Court, however, has not acknowledged that administrative agencies, even the so-called independent regulatory agencies, belong to a category all their own. To the contrary, the Supreme Court continues to frame its separation of powers analyses in the context of the familiar triumvirate of branches. See, e.g., *INS v. Chadha*, 462 U.S. 919, 951 (1983) ("The Constitution sought to divide the delegated powers of the new Federal Government into three defined categories, Legislative, Executive, and Judicial."); *Buckley v. Veleo*, 424 U.S. 1, 120 (1976) (in analyzing the constitutionality of the powers of the Federal Election Commission, an "independent" administrative agency, the Court referred to the "fundamental principles of the Government . . . that the powers of the three great branches of the National Government be largely separate from one another."). The majority's insistence on a fourth branch, while perhaps intellectually fashionable, is thus contrary to the jurisprudence of the Supreme Court.<sup>13</sup>

I do not deny that administrative agencies are and must be a part of our government, and I do not suggest that they lack legitimacy simply because they were not envisaged by the Founding Fathers. Administrative agencies developed as a response to the needs of a complex society, and so long as our society remains as complex as it is, we shall need them. My point is simply that courts engaged in constitutional analysis must work within the framework established by the Constitution, and the Constitution does not allow for any more than three branches of government. If the administrative agencies cannot fit within this framework then the framework should perhaps be changed, but if this is to be done it must be by constitutional amendment, not judicial disregard of the present Constitution. Even a living constitution cannot grow a new branch.

In analyzing the case before us, our first task must therefore be to decide to which of the three branches of government the GAO belongs. The next step in the analysis is to classify the powers conferred on the Comptroller General by the allegedly objectionable provisions of CICA. Only then can we decide whether those powers violate the Constitution.

## II.

### A.

Because the office of the Comptroller General is created by statute, the Comptroller General's status within the government

is a matter of statutory interpretation which, like all statutory interpretation, is controlled by legislative intent. *Paskel v. Heckler*, 768 F.2d 540, 543 (3d Cir. 1985); *Murphy, Old Maxims Never Die: The "Plain Meaning" Rule and Statutory Interpretation in the "Modern" Federal Courts*, 754 Colum. L. Rev. 1299, 1299 (1975). There is copious evidence in the legislative history that the GAO (and therefore the Comptroller General) was intended to be in the legislative branch. This evidence is summarized concisely by the majority, and there is no need to repeat it here. See Maj. Op. at 19-20; see also Maj. Op. at 19 (citing cases that arrive at the same conclusion). Because there is no evidence of legislative intent to the contrary, I believe that it is incumbent upon us to hold that the Comptroller General is within the legislative branch of government, despite the inconveniences that may attend such a holding.

The majority's reluctance to classify the Comptroller General as legislative stems from two sources: (a) the fact that certain of the Comptroller General's functions are executive in nature, see *infra* at 6-7, and (b) the fact that the Comptroller General is appointed by the President. See Maj. Op. at 18-19. Although both of these facts are relevant to the question whether any of the statutes affecting the Comptroller General unconstitutionally violate the principle of separation of powers, see *infra* 10-12, neither is relevant to the logically prior question: to which branch does the Comptroller General belong? As I have noted, because the office of the Comptroller General is created by statute, his status must be determined by the legislative intent.<sup>14</sup> In this case, the legislative intent is clear—he belongs to the legislative branch.

### B.

Having determined that the Comptroller General is a member of the legislative branch, the next step in the analysis is to determine whether CICA grants the Comptroller General any functions that are executive or judicial rather than legislative. On this point, the parties agree that the following powers granted to the Comptroller General by CICA are not legislative: the powers to (i) review protests and issue recommendations on their adequacy, 31 U.S.C.A. § 3554 (West Supp. 1985), (ii) lift the automatic stay imposed by the filing of the protest, *id.*, and (iii) demand attorneys fees and costs on a finding that the solicitation was unlawful, *id.*

I agree with the parties' conclusions. Although the meanings of "legislative," "executive," and "judicial" are somewhat indeterminate, I find it hard to believe that the powers listed above would fit under any of the more common understandings of "legislative power." In exercising these powers, the Comptroller General acts on a case-by-case basis; he applies law rather than makes it. The powers are executive, or even quasi-judicial, rather than legislative. Although in other contexts the distinction between executive and judicial would be quite important, here it is not, and I therefore pass over it. The important point, which no party contests, is simply that the Comptroller General, a legislative officer, undeniably exercises non-legislative powers.

### C.

The inquiry cannot end here. The three branches of government, although separate, are not airtight. See *Nixon v. Administrator of General Services*, 433 U.S. 425, 443 (1977); *United States v. Nixon*, 418 U.S. 683,



703 (1974). The Supreme Court has adopted a flexible approach, and has expressly endorsed the eloquent language of Justice Jackson in *Youngstown Sheet & Tube Co. v. Sanger*, 343 U.S. 579, 635 (1952) (Jackson, J., concurring):

"While the Constitution diffuses power the better to secure liberty, it also contemplates that practice will integrate the dispersed powers into a workable government, it enjoins upon its branches separateness but interdependence, autonomy but reciprocity."

The doctrine of separation of powers thus allows for some overlap among the branches. It could scarcely be otherwise, for virtually every branch has members who perform work that can be characterized as belonging to another branch. In the judiciary, for example, the Chief Judge, Circuit Executive, and Clerk of this Court exercise administrative responsibility that is executive rather than judicial. Every legislator has aides who do similar administrative/executive-type work. Administrative agencies that are within the executive branch often engage in both rulemaking, which is legislative in character, and adjudication, which is, of course, judicial.

The proper question in the separation of powers context, therefore, is not merely whether members of one branch do work that falls within the description of another. Rather, the question is whether, by that work, the branch to which those members belong infringes so substantially on the other branch that the infringed-upon branch cannot carry out its constitutionally assigned functions. This test was explicitly enunciated by the Supreme Court in *Nixon v. Administrator of General Services*, supra, 433 U.S. at 443: "[I]n determining whether the Act disrupts the proper balance between the coordinate branches, the proper inquiry focuses on the extent to which it prevents the Executive Branch from accomplishing its constitutionally assigned functions."

Even this test is not immediately accessible, for "constitutionally assigned functions" is not a readily definable term. Each branch has many constitutionally assigned—or, at least, constitutionally permitted—functions. To give definition to the term, it is therefore necessary to place the problem in context, that is, to identify the objectives to be served by the principle of separation of powers and see if those objectives are threatened by the Comptroller General's CICA-derived powers.

Although scholars may debate the intricacies and wisdom of separation of powers, the original intent of the Founding Fathers in creating our system of divided powers is very clear and can be briefly stated. The principal goal of the Founding Fathers in enacting a system of separated powers was the protection of individual liberties. The colonists had experienced virtual tyranny at the hands of all three branches in their recent histories, see G. Wood, *The Creation of the American Republic 1776-1787* 668-70 (1969); Levi, *Some Aspects of Separation of Powers*, 76 Colum. L. Rev. 369, 373-76 (1976), and had concluded that only by diffusing power within the government could individual liberty be preserved. Echoing Montesquieu, James Madison wrote "[t]he accumulation of all powers, legislative, executive, and judiciary, in the same hands . . . may justly be pronounced the very definition of tyranny." Federalist No. 47 (Madison) in *The Federalist*, 373-74 (Hamilton ed. 1864); cf. Montesquieu, *The Spirit of the Laws*, 38 Great Books of the Western World

70 (Hutchins ed. 1952) ("When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty."). See also *Youngstown Sheet & Tube Co. v. Sanger*, supra, 343 U.S. at 635 ("the Constitution diffuses power the better to secure liberty") (Jackson, J., concurring).<sup>15</sup>

We are now in a position to ask the central question in this case: do the executive-judicial powers conferred upon the Comptroller General by CICA threaten to coalesce powers in one branch such that individual liberty—in this case, the liberty of those in Ameron's position who bid for contracts covered by the CICA—is threatened? I think not. Three factors in particular convince me that the threat is not severe. First, CICA permits the executive branch unilaterally to override the automatic stay by submitting to the Comptroller General a written statement of "urgent and compelling circumstances which significantly affect interests of the United States." 31 U.S.C.A. § 3553(c)(2)(A). Thus, there need be no severe effects on the prerogative of the executive as a result of the Comptroller General's powers.<sup>16</sup> Admittedly, § 3553(c)(2)(A) is not an executive *carte blanche*. The "urgent and compelling circumstances" must in fact exist, and I presume that this would be determined by a court of law—the third branch. Nevertheless, the limitation on the Comptroller General's powers is real and diminishes the threat to the goals of separation of powers.

Second, Congress has no voice in the Comptroller General's day-to-day operations, and it holds no sword of Damocles over the Comptroller General's head. Congress' only power over the Comptroller General, its power of removal, is circumscribed because it requires a joint resolution of Congress, and must be for one or more of five specified reasons: permanent disability, inefficiency, neglect of duty, malfeasance, or conduct which is felonious or involves moral turpitude. 31 U.S.C. § 703(e)(1982). The joint resolution will likely be more difficult to pass than a majority vote in one house, and the five reasons, although not so narrow as to deny Congress any leeway, circumscribe Congress' power to some extent by providing a basis for judicial review of congressional removal. The result of this limitation is that, as a practical matter, Congress has not exercised, and probably will never exercise, such control over the Comptroller General that his non-legislative powers will threaten the goal of dispersion of power, and hence the goal of individual liberty, that separation of powers serves.

It is particularly instructive in this regard to compare this case with *INS v. Chadha*, supra, heavily relied upon by the Army. Although both cases involve an infringement by the legislative branch into the domain of the executive, the nature of the infringements are very different. The unicameral legislative veto struck down in *Chadha* had all the earmarks of a hastily considered, unjust bill of attainder: there was neither a published committee report nor a debate, but only a conclusory statement on the floor of the House by a single Representative. Congress made the decision to deport Chadha by an unrecorded vote. *Id.* at 926-27 (Opinion of the Court); *id.* at 963-64 (Powell, J., concurring). Here, by contrast, there is no direct congressional involvement, and consequently the danger sought to be avoided in *Chadha*—the involvement of political passions in quasi-judicial proceedings—is simply not present. Bidders like Ameron realistical-

ly need not fear significant and improper congressional involvement.

Finally, it must not be forgotten that the President appoints the Comptroller General. Although the power of appointment does not give the President continuing control over the Comptroller General, it does give the President the opportunity to put into that office someone who will be respectful of the prerogatives, and sympathetic to the problems, of the executive branch. Once again, this is a significant feature of the case before us that lessens the severity of the congressional infringement on executive powers and distinguishes this case from those, like *Chadha*, in which the infringement and threat to liberty is more severe.

### III.

My analysis is in many ways similar to the majority's. For both of us, the independence of the Comptroller General from congressional control and the limited power of the Comptroller General over the President are central to our decision. The majority might thus contend that our differences are merely semantic, and that I toil under a "tyranny of labels." See Maj. Op. at 20 (quoting *Snyder v. Massachusetts*, 291 U.S. 97, 114 (1934) (Cardozo, J.)). But the majority would be wrong. What is at stake is our adherence to the system of government established by the Constitution. It is essential that we write—and think—only in terms of the three branches, and that we permit no more than the terms of the Constitution, fairly interpreted, will allow.

I can only surmise that the majority was attracted to the concept of the headless fourth branch because of its fear that the Comptroller General, and all other "independent" administrative agencies, could not survive an analysis that allowed for only three branches of government. I have explained, see supra I.C., why I believe the concept of separation of powers is sufficiently flexible to accommodate the CICA. I assume that similar analyses would lead to the same results for most other administrative agencies, although I cannot be sure.<sup>17</sup> I am certain, however, that if some agency powers cannot fit within a government of three branches, or if certain legislation permitting one branch to affect the affairs of another cannot be countenanced within the three-branch framework, then those agency powers and that legislation must fall. The judiciary cannot invent a fourth branch to house them. Otherwise, we risk the very tyranny the Founding Fathers sought so ingeniously to avoid.

### FOOTNOTES

<sup>1</sup> The original typed bond amount of \$1,200,000 was "whited-out" and the bond amount of \$3,000,000 was typed over the corrected portion of the bond document. App. at 8-9.

<sup>2</sup> In essence, the Comptroller General held that it was not arbitrary for the Army to reject Ameron's bid due to the altered bond document.

<sup>3</sup> The three-judge court was convened pursuant to 28 U.S.C. § 2284. See *Synar v. United States*, No. 85-3945, Slip op. at 5 n.1 (D.D.C. Feb. 11, 1986).

<sup>4</sup> The *Synar* court rejected a similar argument on the ground that it had no authority to "choose" whether to invalidate the Comptroller General's powers or Congress' removal power. In so doing, the court observed that courts faced with constitutionally incompatible statutes generally "set aside that statute which either allegedly prohibits or allegedly authorizes the injury-in-fact that confers standing upon the plaintiff." Slip op. at 32.

However, if the question of Congress' removal power is ripe in this case at all, then a fortiori it is also within the authority of the court to declare that power unconstitutional, making a "choice" unavoidable. In the context of the present case, it would seem more logical to sever this never-used

power rather than to strike down Congress' new statutory scheme in CICA. By contrast, in *Synar*, the court addressed a congressional scheme providing for "fallback" procedures in the event that the involvement of the Comptroller General in deficit reduction was deemed unconstitutional. See slip op. at 33-34.

In contrast to our holding, the *Synar* court held that the Comptroller General's significant executive powers under the Gramm-Rudman-Hollings Act placed it in a "no-man's land" controlled by neither *Myers*, which concerned purely executive officers, nor *Humphrey's Executor*, which concerned officials exercising only incidental executive functions along with primarily quasi-legislative or quasi-judicial powers. Slip op. at 44. The *Synar* court then focused almost exclusively on the question of the removal power and, finding the retention of that power by Congress to be incompatible with the Comptroller General's exercise of executive budget-cutting functions, struck down the applicable parts of the Act.

Just as we have declined to follow *Synar* with respect to the constitutionality of Congress' removal power, we also decline to follow the approach taken by the *Synar* court here. The core principle of *Humphrey's Executor* was that Congress could create agencies exercising dual functions and which were independent of unfettered executive control. In their blend of powers and functions, the Comptroller General and the GAO closely resemble the FTC and other "fourth branch" agencies. There is, therefore, little basis for distinguishing *Humphrey's Executor* in the present case. We need not reach the question whether Congress might at some point violate the separation of powers by assigning to the Comptroller General or some other official independent of executive control too great a preponderance of fundamentally executive powers or functions. This is not such a case.

We do note, however, that the result in *Synar* seems to be based, at least in part, on the court's perception that "[i]t is not as obvious today as it seemed in the 1930s that there can be such things as genuinely 'independent' regulatory agencies." Slip op. at 40. However, as noted *infra* at note 6, the principles underlying *Humphrey's Executor* have been widely accepted for half a century. We do not read *INS v. Chadha*, 462 U.S. 919 (1983) to the contrary or as undercutting these principles.

Although the issue is not squarely presented by this case, we have not been unaware of the current public debate over the constitutionality of the entire scheme of independent agencies constituting the "fourth branch." In particular, we recognize that Attorney General Meese has questioned whether agencies exercising executive power may be kept independent of presidential authority. See *A Question of Power, A Powerful Questioner*, N.Y. Times, Nov. 6, 1985, at B8, col. 3.

We note that the constitutionality of independent agencies has been settled for half a century. See *Humphrey's Executor v. United States*, 295 U.S. 602, 629 (1935). However, to the extent that the Attorney General finds constitutional support for his assertion that every agency must be considered a part of a particular branch of government, this argument may cut against the Army's position in this case. In a September 13, 1985 speech reported in the New York Times, the Attorney General said: "Federal agencies performing executive functions are themselves properly agents of the executive. They are not 'quasi' this or 'independent' that. In the tripartite scheme of government, a body with enforcement powers is part of the executive branch of government." N.Y. Times, *supra*, at B8, col. 5-6.

Since it is undisputed that the Comptroller General and the GAO perform significant executive functions along with their legislative functions, the Attorney General's view would seem to regard them as part of the executive branch, a position contrary to the Army's argument in this case.

Because we hold that the Comptroller General is not exclusively a legislative agent, we need not reach the questions of whether the automatic stay could survive as a "report and wait" provision and whether, if unconstitutional, the Comptroller General's stay-lifting power is severable.

*Chadha* actually only held that Congress properly intervenes to defend its statute when both plaintiffs and government defendants agree that a statute is unconstitutional, i.e., when there is no one to speak for the constitutionality of the statute. Here, where Ameron argued that the statute was constitutional, arguably there is less need to recognize Congress's standing. However, the parties

agree, and we concur, that Congress has standing to intervene whenever the executive declines to defend a statute or, as in this case, actually argues that it is unconstitutional.

\* See Appendix to this opinion for the district court's order of May 20, 1985.

<sup>10</sup> Pursuant to the Attorney General's instruction, the Office of Management and Budget issued OMB Bulletin No. 85-8 (Dec. 17, 1984), which required, *inter alia*, that:

"Agencies shall take no action, including the issuance of regulations, based upon the invalid provisions [of CICA]."

"With respect to the 'stay' provision, agencies shall proceed with the procurement process as though no such provision were contained in the Act. Pursuant to the provisions of the Federal Acquisition Regulations, the agency may voluntarily agree to stay procurements pending the resolution of bid protests, but the grant of such a stay must be based upon other valid authority and may not be based upon the invalid stay provisions of the Act."

"Agencies shall comply with the provisions of 31 U.S.C. § 3553(b) concerning the submission of reports to the Comptroller General on protested procurements."

"With respect to the damages provision of the Act, agencies shall not comply with declarations of awards of costs, including attorneys' fees or bid preparation costs, made by the Comptroller General."

"Agencies shall comply with 32 U.S.C. § 3554(e) concerning submission of reports to the Comptroller General on unaccommodated recommendations."

<sup>11</sup> See *Kendall v. United States*, 37 U.S. 524, 613 (1838) ("To contend that the obligation imposed on the President to see the laws faithfully executed, implies a power to forbid their execution, is a novel construction of the Constitution, and entirely inadmissible.") The President's job is to execute law, not to create it. *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 587 (1952). Moreover, "it is, emphatically, the province and duty of the judicial department, to say what the law is." *Marbury v. Madison*, 5 U.S. 137, 177 (1803). Absent a patently unconstitutional law or one infringing liberty interests or other fundamental rights of individuals, the President's asserted power and "duty" not to execute laws he finds to be unconstitutional is questionable. See *Hearings at 39, 44* (testimony of Prof. Sanford Levinson); *id.* at 46-47 (testimony of Prof. Eugene Gressman).

<sup>12</sup> See Appendix to this opinion for the full text of the original order of the district court.

<sup>13</sup> Although in *FTC v. Ruberoid Corp.*, 343 U.S. 470 (1952), Justice Jackson did refer to administrative agencies as "a veritable fourth branch," *id.* at 487, (Jackson, J., dissenting), that was merely descriptive: Justice Jackson was hardly setting it forth as part of a new framework for constitutional analysis. Indeed, his qualification of the description—"a veritable fourth branch"—suggests that he did not intend to be taken literally.

The only other occasions on which any member of the Supreme Court has used "fourth branch" in an opinion when referring to administrative agencies have also been in dissents and have been similarly off-hand and descriptive, rather than analytic. See *Process Gas Consumers Group v. Consumer Energy Council of America*, 463 U.S. 1216, 1219 (1983) (White, J., dissenting); *INS v. Chadha*, *supra*, 462 U.S. at 984 (White, J., dissenting) (quoting *FTC v. Ruberoid*, *supra*).

<sup>14</sup> The Senate argues in its brief that the fact that the Comptroller General is appointed by the President precludes his being part of the legislative branch. In making this argument, the Senate relied on *Buckley v. Valeo*, 424 U.S. 1 (1976). See also *Maj. Op.* at 19 (citing *Buckley* for the proposition that the executive functions of the Comptroller General and his appointment by the President "arguably render the Comptroller an 'Officer of the United States,' i.e., a member of the executive branch."). This reliance is misplaced, for *Buckley* never suggested that all those appointed by the President are necessarily members of the executive branch of government. *Buckley* held that only those appointed by the President could be "Officers of the United States," but we are concerned here with the obverse problem, never contemplated by *Buckley*, whether all those so appointed are necessarily Officers of the United States.

The only reference in *Buckley* to the Comptroller General came in a footnote in which the Supreme Court rejected an analogy between the members of

the Federal Election Commission (who were not appointed by the President) and the Comptroller General. The Court said that "irrespective of Congress' designation [of the Comptroller General as a legislative officer], the Comptroller General is appointed by the President in conformity with the Appointments Clause." *Buckley v. Valeo*, *supra*, 424 U.S. at 128 n. 165. This offhand reference is not sufficient to support the Senate's point that appointment by the President with the advice and consent of the Senate automatically makes one a member of the executive branch. The *Buckley* Court intended to distinguish the Comptroller General from the members of the Federal Election Commission, not to establish a general rule for a situation that was not before it.

Not only is the Senate's reliance on *Buckley* weak, but there are counter-examples that disprove its thesis. There are undisputed legislative officers who are appointed by the President—the Librarian of Congress, 2 U.S.C. § 136 (1982), the Public Printer, 44 U.S.C. § 301 (1982), and the Architect of the Capitol, 40 U.S.C. § 162 (1982). Thus, the manner of appointment cannot be dispositive.

<sup>15</sup> In *The Interdependence of Legitimacy: An Introduction to the Meaning of Separation of Powers*, 5 Seton Hall L. Rev. 435 (1974), Judge Gibbons develops the thesis that the three branches were not intended to work in isolation and that a more accurate portrayal of the system is one of dispersed but shared decisional responsibility in which at least two branches must always concur, thus providing reasonable protection against the tyrannical exercise of power by a single branch. On this theory it is not necessary to invent a fourth branch to remedy overlap in the scheme. Judge Gibbons also gives several examples, both early and recent, of how the system of separated powers protects individual liberties.

<sup>16</sup> At least the executive need not fear for its ability to extract itself from an exigent circumstance, e.g., a contract dispute that would threaten a vital defense contract in time of national emergency, or an environmental hazard or natural disaster.

<sup>17</sup> For example, it is conceivable, albeit unlikely at this late date, that someone might launch a separation of powers challenge to the adjudicatory procedures of the NLRB. Under my analysis, a court would consider the legislative history of the NLRB to determine to which branch it was intended to belong. Presumably, the answer would be that it belongs to the executive branch. Next, the court would consider whether its adjudicatory procedures were executive in nature, and would presumably conclude that they were not, but are, rather, judicial. Finally, the court would ask whether this exercise by the executive branch of judicial functions gave the executive so much power, or so intruded upon the vital functions of the judiciary, that individual liberties were threatened. In making this inquiry, the court would consider (i) how much power the President has over the NLRB's adjudicatory functions, and (ii) whether the functions are a significant intrusion upon the judiciary, or whether, on account of judicial review of NLRB decisions, the intrusion is not severe. The analysis suggests, I believe, that my approach would not eclipse the contemporary regulatory scheme.

Mr. CHILES. Will the Senator yield?  
Mr. DOMENICI. I am pleased to yield.

Mr. CHILES. Mr. President, the Senator from Florida is going to have to absent himself from the floor for a few minutes. My understanding is that the distinguished chairman of the committee and myself will be offering an amendment in a few minutes. I think what we are talking about doing is worthwhile. There has been some conversation that there is way too much in taxes in the resolution we have before us and way too many entities left untouched something ought to be done.

A letter was circulated widely around here yesterday from the Office of Management and Budget, Mr. Jim Miller. I think the proposition that



the chairman is talking about offering, with me as a cosponsor, is that we allow the Members of this body a chance to express themselves on that and see if they want to save those taxes. I shall have a lot more to say about that in a few minutes.

Mr. DOMENICI. I thank my friend, the ranking member.

ORDER FOR RECESS AT 4 P.M. TODAY UNTIL 10 A.M. TOMORROW

Mr. DOLE. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. DOMENICI. I am pleased to yield to the distinguished majority leader.

Mr. DOLE. Mr. President, we have agreed previously that there would be no votes after 4 o'clock today and any votes on S. 120 would be put off until tomorrow. It may be that there will be a necessity for the Senate Finance Committee to meet later today while we are not in session. I have asked the distinguished minority leader if he would have any objection to a unanimous-consent agreement that we recess at 4 o'clock today, to convene tomorrow morning at 10 a.m.

Mr. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, might I ask the distinguished minority leader for a clarification of his statement. I have no objection to it.

Mr. DOLE. Yes.

Mr. DOMENICI. If a vote is right on the budget resolution, we can vote before 4 o'clock if one is ready to be voted on. The majority leader indicated they would be put off. If we offer an amendment and the debate is over and we are ready to vote at 2 o'clock, could we do that?

Mr. DOLE. Fine; that is all right. I have no problem with that.

Mr. BYRD. Mr. President, who has the floor?

The PRESIDING OFFICER (Mr. KASTEN). The Senator from New Mexico.

Mr. BYRD. Will the Senator from New Mexico yield?

Mr. DOMENICI. I am pleased to yield.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, could we have an understanding or an order to the effect that there would be no roll-call votes after 3:30 today? I think that is what we agreed to on yesterday.

Mr. DOLE. That was the order, 3:30; the Senator is correct. I indicated 4. We changed that last night to 3:30.

Mr. BYRD. Does the Senator want to recess at 3:30 or does he still want 4 o'clock.

Mr. DOLE. I may need that 30 minutes to do the wrapup.

Mr. DOMENICI. Mr. President, I would like to discuss a letter that I am going to put in the RECORD signed by the distinguished ranking minority member, the senior Senator from Florida, Senator CHILES, and myself regarding a letter which was delivered yesterday by the Director of OMB, Mr. Miller. I think Mr. Miller knows that the Senator from New Mexico has the highest esteem and respect for him, and has the highest esteem and respect for the position he holds. Clearly, I have great respect for the fact that he speaks for the President, and that the President, with the aid and assistance of many but in particular Mr. Miller, sent us a budget some few months ago.

And I send this letter, joined in by Senator CHILES, to my colleagues because they received Mr. Miller's analysis of the budget that is pending here before the Senate. Clearly, there are at least two ways to look at things. I thought it would be good to look at things from the standpoint of that bipartisan majority that voted out a budget resolution, and perhaps the Senators who read his letter of yesterday would be as interested in what we have to say about the budget resolution as they are interested in what he has to say about it.

So I refer in this letter to the fact that yesterday Mr. Miller outlined objections to Senate Concurrent Resolution 120, the pending matter before the Senate.

While there are many issues in it, the letter addresses three of them. Let me paraphrase and then I will put the letter into the RECORD in its entirety, with leave of the Senate.

First, the director contends that the President's fiscal year 1987 budget met the challenges of the Gramm-Rudman-Hollings Act.

Quite to the contrary, the budget that he refers to did not meet the deficit targets specified in that legislation.

The Congressional Budget Office estimated that the President's budget, after all the cuts recommended, with the small amount of revenue increases recommended, and the increases in defense recommended, if we did all those things, the deficit would be \$160 billion, not \$144 billion, \$16 billion in outlays off the mark.

Obviously, the OMB Director, Mr. Miller, has been discussing economic changes and put forward suggestions about changing the economic assumptions in discussions yesterday. I am not referring to those and he did not refer to those in his letter. It was purely an analysis, static in nature, of the budget he sent us and the budget we reported.

I repeat, even if the President's budget was adopted in its entirety, with 44 programs terminated, with reform in 6 or 7 other entitlement programs, with that small amount of rev-

enue and that very large increase in defense—even if it was adopted—there would still have to be a sequester when we finished all of that.

There is one thing the budget director did discuss yesterday. It had to do with \$4 billion in the farm program. Although he did not make reference to it in his letter, there is a suggestion that that \$4 billion should not be in the budget because, as he puts it, they do not intend to spend it. But that is not the issue here.

The President's budget is \$16 billion in excess of that required under the Gramm-Rudman-Hollings law. After you did all that work, Gramm-Rudman would require a cut in domestic programs of \$8 billion in outlays on top of the \$28 billion proposed in the budget.

Under such a sequester, defense, would have to be cut about \$20 billion in budget authority off that number, \$8 billion in outlays, more or less right after we had given the President his full defense request to get within the mandated targets that we were seeking to achieve.

The second point: The new taxes proposed in this budget take \$52 billion out of the economy over the next 3 years. That is what the Director says.

The \$59 billion by which the President's budget exceeds the Gramm-Rudman-Hollings deficit targets over the same years, \$59 billion that it exceeds it, comes out of the private economy also in the form of Federal borrowing.

The difference is we reduce the burden of the debt and do so permanently, and we reduce interest payments by \$7 billion, where they would be \$7 billion a year higher under the President budget which Director Miller espouses in the letter that he sent.

In addition, Mr. Miller states that Senate Concurrent Resolution 120 cuts defense about \$97 billion over the 3 years. I regret to say that, as I indicated when I started, there are at least two ways to express most things, and maybe more. But the Director clearly states that this resolution cuts defense and I interpret a "cut" to mean a cut. There is no cut in the defense budget. It is just not so.

Yes, we increase defense less than the President. That is a fair way to say it. But we would provide \$8 billion more in defense budget authority than was appropriated for this current year, an \$8 billion increase but not as much of an increase as requested.

Finally, the letter to my colleagues objects to our only terminating three domestic programs by way of our assumptions.

Well, let me enlighten the Senate a bit on that.

That is true. But it is not mentioned that these three programs account for \$5 billion outlay savings, and even if we terminated the 10 additional programs assumed in last year's budget resolution, all 10 would have a grand total savings of \$1.3 billion if they were all done and completed. We did five. If you did all of those in last year's resolution, it would be \$1.3 billion.

I am of the opinion, and soon we will let the Senate vote on a couple of these issues, that both Houses of Congress, by rather compelling majorities, will make it clear, and have made it clear, that they do not want all of the 44 programs in that budget that the Director referred to yesterday terminated. I have indicated on numerous occasions I would vote for many of them. I will repeat again that I have voted more than once, to terminate many of these programs more than once.

While I personally do not think many of these programs are of national importance—and certainly from the economic standpoint it is hard to justify that many of them have significant economic benefits—nonetheless building a budget based on terminations that will not occur does not offer a realistic contribution to the deficit reductions.

To assume them all again in a budget that is sent up here to us is nothing more than repeating what has been tried before, and, in this Senator's opinion, will not happen. But, as I said, we will give this option a chance in the Senate shortly by providing Members an opportunity to vote on whether they would like to terminate all of those programs as we did last year before the oak tree event and that are in the President's budget this year. We will let the Senate vote on whether they would like to take all of those out of this budget and save a few billion dollars in the revenues we have suggested we need.

Finally, domestic spending is stated by the director to suffer hardly any restraint in this budget process and resolution.

I would remind the Senate that domestic spending will be substantially restrained under the committee's budget, declining from about 13.1 percent of GNP in the current year to about 11.7 percent by 1989.

So, once again, I believe the Director mischaracterizes the issue as raising taxes versus cutting spending. Our budget resolution has total outlays that are \$4 billion less than the President's budget for fiscal year 1987, and \$12 billion less over 3 years.

I would like to repeat that. The mix is different. But in terms of contributing to resolving the deficit problem, the resolution before the Senate has total outlays that are \$4 billion less than the President's. Obviously, so

that I am not guilty of mischaracterizing, we have less defense. That accounts for a substantial portion of the reduced expenditures of this Government.

Our higher tax revenues go not for higher spending but, rather, to reduce the deficit. There can be no doubt about that.

In conclusion, our greater reduction in total spending and deficit reduction constitutes the ultimate, as I see it, tax break for the American people.

I think one of the distinguished economists, Milton Friedman, pointed out that the true level of taxation is the level of spending. Your only choice is whether to pay now in taxes or pay later in inflation. A so-called hidden tax.

My own observation, interpreting Milton Friedman, is that there is still no free lunch to buy increased defense and domestic spending without paying for it. We believe that we have provided a balanced approach and we believe that the facts bear us out.

Mr. President, so that all my colleagues will have the letter in the RECORD that I sent to them under the signature of my distinguished friend from Florida, the ranking Democrat—Mr. CHILES—and myself, I ask unanimous consent that it be printed in the RECORD in toto.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
COMMITTEE ON THE BUDGET,  
Washington, DC, April 23, 1986.

DEAR COLLEAGUE: Director Miller of the Office of Management and Budget sent a letter to you yesterday outlining the Administration's objections to S. Con. Res. 120, the fiscal year 1987 Budget Resolution. This letter responds to three specific issues raised in the Director's letter.

First, the Director contends that the President's fiscal year 1987 budget met the challenges of the Gramm-Rudman-Hollings Act. Quite the contrary. The President's budget did not meet the deficit targets specified in that legislation. The Congressional Budget Office estimated that the President's budget would produce a deficit of \$160 billion.

That \$16 billion excess would produce a sequester that would cut domestic outlays \$8 billion on top of the \$28 billion cut proposed by the President. To reduce defense outlays by a comparable \$8 billion would mean sequestering BA by \$20 billion. This belies the Director's second contention, that we could follow the President and achieve the target without cutting defense, without raising taxes, and with only "careful pruning" of domestic programs.

Next, the Director objects that the new taxes we propose would "take \$52 billion out of the economy over the next three years." The \$59 billion by which the President's budget exceeds the G-R-H deficits targets over those same years also comes out of the private economy, in the form of federal borrowing. The difference is we reduce the burden of debt; interest payments in the President's budget are \$7 billion higher.

The Director complains we "cut defense budget authority by \$97 billion over the years." That is not so; we increase less than the President wanted by that amount. We would provide \$8 billion more defense BA than was appropriated last year, protecting the real value of the investment base which has doubled over the last five years.

Finally, the Director objects to our only terminating three domestic programs. He does not mention the fact that these three programs account for over \$5.0 billion in savings, and even if we terminated the 10 additional programs assumed in last year's budget resolution a grand sum of \$1.3 billion additional savings would be achieved.

The votes from both parties in both Houses of Congress have made it clear that the American people do not want all the 44 programs in the President's budget terminated. Building a budget based on terminations that will not occur does not offer a realistic contribution to deficit reduction. Domestic spending will be substantially restrained under our Committee's Budget Resolution, declining from 13.1 percent of GNP in the current year to 11.7 percent of GNP by 1989.

The Director mischaracterizes the issue as raising taxes versus cutting spending. Our Budget Resolution has total outlays that are \$4 billion less than the President's budget in fiscal year 1987 and \$12 billion less over 3 years. Our higher tax revenues go not for higher spending but to reduce the deficit.

Our greater reduction in total spending commitment and deficit reduction constitutes the ultimate tax break for the American people. As Milton Friedman has pointed out, the true level of taxation is the level of spending; your only choice is whether to pay now in taxes or later in inflation, "the hidden tax." There is still no free lunch to buy increased defense and domestic spending without increased taxes. We believe that we have provided a balanced approach to reduce the deficit and we believe the facts bear us out.

Sincerely,

PETE DOMENICI,  
LAWTON CHILES.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

AMENDMENT NO. 1797

(Purpose: To provide for the termination or substantial reduction of 43 domestic programs)

Mr. DOMENICI. Mr. President, I send to the desk in behalf of myself and Senator CHILES an amendment to the pending matter and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself and Mr. CHILES, proposes an amendment numbered 1797.



Mr. DOMENICI. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, decrease the amount on line 3 by \$4,063,000,000.

On page 2, decrease the amount on line 4 by \$6,042,000,000.

On page 2, decrease the amount on line 5 by \$8,408,000,000.

On page 2, decrease the amount on line 8 by \$4,063,000,000.

On page 2, decrease the amount on line 9 by \$6,242,000,000.

On page 2, decrease the amount on line 10 by \$8,408,000,000.

On page 2, decrease the amount on line 19 by \$4,455,000,000.

On page 2, decrease the amount on line 20 by \$8,299,000,000.

On page 2, decrease the amount on line 21 by \$10,904,000,000.

On page 2, decrease the amount on line 24 by \$4,063,000,000.

On page 2, decrease the amount on line 25 by \$6,242,000,000.

On page 3, decrease the amount on line 1 by \$8,408,000,000.

On page 5, decrease the amount on line 5 by \$4,063,000,000.

On page 5, decrease the amount on line 6 by \$6,242,000,000.

On page 5, decrease the amount on line 7 by \$8,408,000,000.

On page 5, decrease the amount on line 10 by \$4,455,000,000.

On page 5, decrease the amount on line 11 by \$8,299,000,000.

On page 5, decrease the amount on line 12 by \$10,904,000,000.

On page 5, decrease the amount on line 15 by \$4,063,000,000.

On page 5, decrease the amount on line 16 by \$6,242,000,000.

On page 5, decrease the amount on line 17 by \$8,408,000,000.

On page 7, increase the amount on line 12 by \$729,000,000.

On page 7, increase the amount on line 13 by \$140,000,000.

On page 7, increase the amount on line 21 by \$586,000,000.

On page 7, increase the amount on line 22 by \$223,000,000.

On page 8, increase the amount on line 6 by \$121,000,000.

On page 8, increase the amount on line 7 by \$268,000,000.

On page 8, decrease the amount on line 16 by \$80,000,000.

On page 8, decrease the amount on line 17 by \$80,000,000.

On page 8, decrease the amount on line 24 by \$80,000,000.

On page 8, decrease the amount on line 25 by \$80,000,000.

On page 9, decrease the amount on line 7 by \$80,000,000.

On page 9, decrease the amount on line 8 by \$80,000,000.

On page 9, decrease the amount on line 16 by \$369,000,000.

On page 9, decrease the amount on line 17 by \$300,000,000.

On page 9, decrease the amount on line 25 by \$653,000,000.

On page 10, decrease the amount on line 1 by \$635,000,000.

On page 10, decrease the amount on line 9 by \$1,002,000,000.

On page 10, decrease the amount on line 10 by \$1,004,000,000.

On page 10, decrease the amount on line 19 by \$847,000,000.

On page 10, decrease the amount on line 20 by \$140,000,000.

On page 11, decrease the amount on line 4 by \$1,447,000,000.

On page 11, decrease the amount on line 5 by \$246,000,000.

On page 11, decrease the amount on line 13 by \$2,047,000,000.

On page 11, decrease the amount on line 14 by \$603,000,000.

On page 11, decrease the amount on line 23 by \$368,000,000.

On page 11, decrease the amount on line 24 by \$321,000,000.

On page 12, decrease the amount on line 8 by \$510,000,000.

On page 12, decrease the amount on line 9 by \$540,000,000.

On page 12, decrease the amount on line 17 by \$605,000,000.

On page 12, decrease the amount on line 18 by \$666,000,000.

On page 13, increase the amount on line 2 by \$347,000,000.

On page 13, decrease the amount on line 3 by \$1,851,000,000.

On page 13, decrease the amount on line 11 by \$2,465,000,000.

On page 13, decrease the amount on line 12 by \$2,645,000,000.

On page 13, decrease the amount on line 20 by \$3,056,000,000.

On page 13, decrease the amount on line 21 by \$3,214,000,000.

On page 14, decrease the amount on line 5 by \$915,000,000.

On page 14, decrease the amount on line 6 by \$708,000,000.

On page 14, decrease the amount on line 14 by \$977,000,000.

On page 14, decrease the amount on line 15 by \$758,000,000.

On page 14, decrease the amount on line 23 by \$1,077,000,000.

On page 14, decrease the amount on line 24 by \$930,000,000.

On page 15, decrease the amount on line 9 by \$961,000,000.

On page 15, increase the amount on line 10 by \$85,000,000.

On page 15, decrease the amount on line 18 by \$725,000,000.

On page 15, decrease the amount on line 19 by \$174,000,000.

On page 16, decrease the amount on line 2 by \$1,075,000,000.

On page 16, decrease the amount on line 3 by \$633,000,000.

On page 16, decrease the amount on line 13 by \$815,000,000.

On page 16, decrease the amount on line 14 by \$396,000,000.

On page 16, decrease the amount on line 22 by \$819,000,000.

On page 16, decrease the amount on line 23 by \$856,000,000.

On page 17, decrease the amount on line 6 by \$819,000,000.

On page 17, decrease the amount on line 7 by \$932,000,000.

On page 17, decrease the amount on line 16 by \$117,000,000.

On page 17, decrease the amount on line 17 by \$180,000,000.

On page 17, decrease the amount on line 24 by \$117,000,000.

On page 17, decrease the amount on line 25 by \$136,000,000.

On page 18, decrease the amount on line 7 by \$117,000,000.

On page 18, decrease the amount on line 8 by \$137,000,000.

On page 19, decrease the amount on line 18 by \$789,000,000.

On page 19, decrease the amount on line 19 by \$103,000,000.

On page 20, decrease the amount on line 3 by \$819,000,000.

On page 20, decrease the amount on line 4 by \$119,000,000.

On page 20, decrease the amount on line 13 by \$839,000,000.

On page 20, decrease the amount on line 14 by \$167,000,000.

On page 23, decrease the amount on line 2 by \$413,000,000.

On page 23, decrease the amount on line 3 by \$352,000,000.

On page 23, decrease the amount on line 10 by \$411,000,000.

On page 23, decrease the amount on line 11 by \$414,000,000.

On page 23, decrease the amount on line 18 by \$409,000,000.

On page 23, decrease the amount on line 19 by \$411,000,000.

On page 24, decrease the amount on line 2 by \$20,000,000.

On page 24, decrease the amount on line 3 by \$20,000,000.

On page 26, increase the amount on line 3 by \$163,000,000.

On page 26, increase the amount on line 4 by \$163,000,000.

On page 26, increase the amount on line 12 by \$138,000,000.

On page 26, increase the amount on line 13 by \$138,000,000.

On page 26, increase the amount on line 21 by \$101,000,000.

On page 26, increase the amount on line 22 by \$101,000,000.

On page 29, increase the amount on line 24 by \$252,000,000.

On page 29, increase the amount on line 25 by \$252,000,000.

On page 29, increase the first amount on line 26 by \$275,000,000.

On page 29, increase the second amount on line 26 by \$275,000,000.

On page 30, increase the amount on line 1 by \$280,000,000.

On page 30, increase the amount on line 2 by \$280,000,000.

On page 33, decrease the amount on line 13 by \$4,343,000,000.

On page 33, decrease the first amount on line 14 by \$6,730,000,000.

On page 33, decrease the second amount on line 14 by \$8,995,000,000.

On page 35, increase the amount on line 11 by \$159,000,000.

On page 35, increase the amount on line 12 by \$46,000,000.

On page 35, decrease the first amount on line 13 by \$501,000,000.

On page 35, decrease the second amount on line 13 by \$566,000,000.

On page 35, decrease the amount on line 14 by \$1,025,000,000.

On page 35, decrease the amount on line 15 by \$1,171,000,000.

On page 36, increase the amount on line 20 by \$252,000,000.

On page 36, increase the amount on line 21 by \$252,000,000.

On page 36, increase the first amount on line 22 by \$275,000,000.

On page 36, increase the second amount on line 22 by \$275,000,000.

On page 36, increase the amount on line 23 by \$280,000,000.

On page 36, increase the amount on line 24 by \$280,000,000.

On page 42, increase the amount on line 15 by \$159,000,000.

On page 42, increase the amount on line 16 by \$46,000,000.

On page 42, decrease the first amount on line 17 by \$501,000,000.

On page 42, decrease the second amount on line 17 by \$566,000,000.

On page 42, decrease the amount on line 18 by \$1,025,000,000.

On page 42, decrease the amount on line 19 by \$1,171,000,000.

On page 44, decrease the amount on line 6 by \$4,343,000,000.

On page 44, decrease the first amount on line 7 by \$6,730,000,000.

On page 44, decrease the second amount on line 7 by \$8,995,000,000.

At the end of the resolution, insert the following new section:

Sec. 4. Termination and reduction of programs.

Mr. DOMENICI. Mr. President, it has been very difficult to get any firm proposals to modify significantly the budget reported out by the Budget Committee to this point. Obviously, as I have indicated on two or three previous occasions, there are a number of Senators who do not like this resolution. Clearly, yesterday, the Director of OMB, Mr. Miller, indicated the administration's objection to it. A number of Senators have suggested that they do not like the revenue side, that we have to raise taxes. A number have indicated that defense is not high enough. And, yes, I have heard from many that we ought to cut more on the domestic side. Yet I see no one coming to the floor with budgets to change substantially the pending resolution. More specifically, I have heard from a number of Members that we ought to cut more so we do not have to increase revenues in this first year, the \$18.7 billion prescribed by this resolution.

Now, I cannot accommodate by way of a vote those who have found a variety of concerns and objections with this budget. But today with this amendment I seek to accommodate those who say we should cut more on the domestic side, and let me even be more specific. There are a number of Senators who have said we ought to terminate the domestic programs that the President has asked us to terminate, and indeed some have even said let us terminate those and any programs that we voted to terminate last year at 3 a.m. in the morning.

Now, some who speak of that clearly understand the budgetary impact. Yet others are not as certain just how much the budgetary impact of such a suggestion is.

I have tried my best to respond on two levels. One, there is no disposition by a majority of U.S. Senators, Republican or Republican and Democrat, to terminate those programs. Second, we already proposed terminating three of those programs which would save more money in the first year than will be saved by terminating all of the 43 that we are going to now talk about.

That is correct. The three that were terminated by the assumptions in the budget will save \$5 billion in outlays, the WIN program, general revenue sharing, and Conrail. Incidentally, I mention Conrail because it is also mentioned by the OMB Director. It was assumed last year and did not occur. It is in the President's budget and it is in the list that the OMB Director alluded to yesterday in his analysis of the budget before us—saying that those programs have not been terminated and should be. So we have included them.

Now, let me start from the bottom end up so that everyone will know the significance of this amendment. It has 43 programs of our national Government, some very, very small indeed, some medium size, and very few that are major programs in terms of dollar expenditures. But this amendment does contain 43 programs in number running from function 150, which is foreign assistance, all the way through this budget. And let me make sure that everyone knows what this amendment will accomplish if it is voted for by a majority of the United States Senate a couple hours from now.

In outlays, in the first year, if all of these programs in this amendment are terminated, \$4.063 billion will be cut off the Federal deficit. I repeat, \$4.063 billion. This amendment says if you want to do that, take \$4.063 billion off the revenue increase so it is consistent with Gramm-Rudman-Hollings in terms of its budget neutrality.

For those who support the notion that 43 programs should be eliminated in this budget, they can reduce the taxes proposed in this resolution by \$4.063 billion.

I remind Senators that clearly this has a differing effect over the 3 years, and I want to put all of that on the table. Over the 3 years, if you did all of this, you would save less than \$20 billion.

Now, let me just read off some of the programs so everyone will know just what we are doing here. Let me start first with the Export-Import Bank direct loan program, function 150: \$729 million in budget authority, \$138 million in outlays.

But these are not savings. They are increases. The numbers that I just gave are right, \$729 million in budget authority and \$138 million in outlays. If you terminate that program the way the President proposed to do in February, you do not save any money. So the numbers are right, but that is what it costs you to terminate the Export-Import direct loan program. It costs you \$729 million in budget authority and \$138 million in outlays in fiscal year 1987. If it really is the desire of the Congress to terminate that \$1.1 billion program, the Eximbank direct loan program, and replace it with a more expensive \$1.8 billion

loan program, those are the costs. I am not arguing that because it costs \$624 million in the first 3 years you should not do it. It just happens that in this example those are the numbers according to the Congressional Budget Office.

Now let me move on. There is another item, the OPIC Insurance Program. Termination is recommended. If we do what the President requested for the Overseas Private Investment Corporation, that will cost \$2 million—not \$200 million, \$2 million. And now we move over to function 250. There we have another termination, Advanced Communications Technology Satellite, \$80 million, if you terminate it. Rural Electrification Administration subsidies, we save \$284 million in fiscal year 1987 outlays, if you terminate it. Here is another program. Weatherization assistance saves \$16 million in fiscal year 1987 outlays. Now, it is true I am not giving the 3 years numbers. I am not trying in any way to be deceptive. Over the 3 years, terminating weatherization would save \$170 billion over 3 years. I am merely listing fiscal year 1987 outlay, saving to illustrate those programs which makeup the \$4,063,000,000 outlays savings.

Let's look at another—the EPA sewage treatment grants. That is an interesting one. We would save \$4 million in outlays in fiscal year 1987. Now, those savings grow overtime because the program takes a while to liquidate. But for those who think eliminating this program is the way to fix the 1987 budget, I am giving you the relevant amounts, \$4 million in total fiscal year 1987 savings.

Here is another one, the Soil Conservation Program, with savings of \$100 million in outlays. I hope Senators who favor termination understand the total savings involved in terminating the Soil Conservation Service, is about \$100 million in outlays.

Landsat is another of the 43 terminations. Obviously, the President did not propose this for budget purposes because the budget savings are zero.

There is a program for coastal zone management and grants regarding the surrounding areas. Eliminating saves \$36 million next year.

Then we have the Extension Service. That is 4-H, for those who are wondering. I think we have visited with the 4-H'ers. They have been here to visit us. I am sure all Senators greeted them cordially and listened to various activities that the 4-H sponsors. They have the nice green jackets with shamrocks. I even took one of those jackets to the President, from the 4-H'ers. The President proposed to nearly eliminate this program. That will save \$188 million in fiscal year 1988.

Then we have Temporary Emergency Food Assistance Program. This



Senate is familiar with this program. We all know that we have not come to grips in our country with the strange phenomenon of the homeless. We understand the problem is very complicated. And I say that with the deepest concern. I do not have an answer, so I am not in any way suggesting that there is an easy way to deal with this problem. But we have provided some temporary food and shelter through existing programs. One of these programs, TEFAP, is proposed to be terminated, and that will save a total of \$33 million in outlays in fiscal year 1987.

The interesting thing about all these numbers I have spoken of up to this point is that almost always we speak of billions in this body. I have not had one yet that I have mentioned that even totals a half billion. Oh, yes, the budget authority for export-import was \$729 million; but, interestingly, that was not a saving but an added cost for getting rid of it.

Let's go on. Federal crop insurance that has been around, with everybody talking about trying to get rid of it. That saves \$140 million in outlays next year.

I will go through more of these, because I think it is useful to get out into full view just what we are talking about.

Trade adjustment assistance to firms: That is also a program that we are always told we should get rid of. I voted for that termination a number of times; but we should know that it saves only \$8 million.

U.S. Travel and Tourism Administration: I think that has been in several budgets. It would save \$6 million.

The next one is a significant proposal: Postal subsidies. That would save \$676 million. That is an interesting one because we cannot just charge our appropriations with doing that, without also requiring these preferred-rate mailers to pay more. Those institutions, predominantly charitable—the Salvation Army, Red Cross, and the like—get a postal subsidy in order to solicit and do their charitable work. Unless we modify the law, the Postal Service has no alternative but to charge these mailers more.

We have tried in the past to reform this subsidy and have made some headway. My recollection is that Congress has cut 40 percent from its previous level of expenditures. The fiscal year 1987 number for postal subsidies termination is the largest one so far on this list. So now we have \$676 million, which begins to contribute to the \$4 billion total for 44 program terminations.

Rural housing loans is another interesting one. If it is terminated as described, it will save \$1 billion. This is the second year in a row that rural housing loans have been recommended for termination. In this current year,

Farmers Home Administration is authorized to make \$2 billion in loans, which will finance housing for about 50,000 rural families.

The proposals before us would give HUD the sole responsibility for new rural housing assistance and yet would cut the HUD program nearly in half.

Earlier this year 26 Senators wrote to me, as chairman of the Budget Committee about this program. It was a bipartisan group, headed by the distinguished chairman of the Subcommittee on Appropriations that handles this area, Senator COCHRAN. The 26 Senators said: "We cut rural housing last year 40 percent, and that is it." They ought to know that that is not it, as for as the administration's budget is concerned. On this list, there is a total elimination and substitution of this program.

The Small Business Administration—the President's budget would save another \$105 million in its business loan programs.

Now I will list some others without editorializing. I think Senators know how many times we voted on these. I will only state the program and the number, because I think some may be shocked at how little will be saved. Let us just go through them quickly.

Section 202 housing: \$53 million; Amtrak, \$562 million; Interstate Commerce Commission, \$35 million; Washington Metro construction grants, \$11 million; Maritime cargo preference, \$100 million; Economic Development Administration, \$5 million; Appalachia Regional Commission, \$8 million.

UDAG: That is an interesting one. I said I would not speak about them, but we hear from a lot of people that we should get rid of that program. I voted to get rid of it a couple of times, but I think everyone should know that is only \$20 million in total fiscal year 1987 savings.

Let's go on. Rental housing development, HODAG, \$39 million; the housing program commonly known as 312 rehab loan fund, \$29 million; eliminating the 108 loan program that will not save anything; Rural Development Program, \$49 million; SBA disaster loan, \$200 million; community services block grant, \$214 million; impact aid part B, \$86 million; library programs, \$30 million; a number of very small higher education programs, \$17 million; student incentive grants, \$36 million; college housing loans, \$13 million; Public Health Service professionals, \$180 million; FEMA, supplemental food and shelter, \$90 million; section 8 moderate rehabilitation, zero in outlays, \$670 million in budget authority; rural housing grants, \$13 million; Legal Services Corporation, \$255 million; Justice grants, \$97 million; and public debt reimbursement to the FRB, \$20 million. The offset in subfunction 908 adds \$163 million—but this is a technical matter.

Now, if I have read the list right, that amounts to the grand total of \$4.063 billion in outlays.

This amendment is very simple. It says we will not have any of those programs anymore and we will save that amount on the budget, and then we will take a similar amount off the revenue increase prescribed and included in the pending budget for the Senate.

I obviously do not support this amendment. I hope that some of those who have said they would like to terminate programs and further cut domestic programs might come to the floor in the next 40 or 50 minutes and make the case. I am not going to deny that I could make the case as an individual Senator for a number of them. I do not believe under any circumstances I could make the case for all of them, nor would I vote for all of them. Those who think it is the domestic discretionary component of this budget that has run wild, I urge that they come down and support this very complete, and I believe, accurate amendment to the budget that is pending.

I would say there are a number of Senators who are truly seeking some compromises. There are a number who want more in defense. There are many who are genuinely concerned about ways to save money. This is in no way an indication of the Senator from New Mexico that I am not willing to sit down and work with them and look at it.

But, frankly, there are some who clearly say if they do not have it their way, whatever that way is, they want to defeat the budget resolution that is pending. There may even be some who are out mustering up the lobbying strength of the country to make sure the Domenici-Chiles Budget Committee resolution does not pass.

There are those who are saying that we ought to eliminate the programs that we tried to eliminate last year and that the President asked this year.

So I hope they support this amendment. Some Members have even been told the deficit is not that bad; the economy is improving so fast that the deficit might just disappear on its own accord. They are saying that we could make some new assumptions and scrub some new numbers and scrub some new economics and everything will work out in 2 or 3 months. For my part, I do not agree.

I want to wrap up my first half-hour this morning by saying first that I have entered into the record already what I believe to be a fair response to the Budget Director's letter. I think it fairly assesses the budget pending before the Senate. I think it also fairly characterizes the President's budget proposal.

Second, for those who would like to avoid the pressure of the Gramm-Rudman-Hollings trigger August 15, or

thereabouts, either by wishing the deficit away or by hoping that the Supreme Court finds the GAO involvement unconstitutional, I hope they will read the RECORD. I think they can read a very enlightened Third Circuit Court opinion exactly opposite from the Scalia three-member court that ruled it unconstitutional. And perhaps there are some who, looking at that, would say it really is not worth gambling that we will not have to meet the commitment we made to the American people at the end of last year. In fact, there is a better than 50-50 chance that the GAO will be found constitutional next June or July, and we will have another sequester.

With those two premises we now have an amendment before us that will indeed reduce the taxes by \$4 billion and will reduce what for the most part is discretionary spending by this amendment.

I yield the floor.

Mr. CHILES. Mr. President, I want to briefly comment on the "Dear Colleague" letter Chairman DOMENICI and I sent out today in response to Director Miller's letter of yesterday outlining the administration objections to the resolution reported by the Senate Budget Committee.

The President's budget exceeds this year's deficit target by \$16 billion. It would produce a sequester cutting domestic outlays \$8 billion on top of the \$28 billion already cut by the President. It would reduce defense outlays, sequestering VA by \$20 billion. So that certainly differs from the contention made by the Director.

The Director objects to the new deficit-reduction revenues proposed to be taken out of the economy totaling \$52 billion over the next 3 years. Yet, the President's \$59 billion excess over the Gramm-Rudman-Hollings target also has to come out of the economy. But, in that instance, it comes out by borrowing. That, of course, will add to the pressure on the national debt. That burden of debt in the President's budget is some \$7 billion higher than the payments would be under the proposal contained in the budget reduction before us.

The Director has said he is not cooking his figures; he says he is simply correcting the estimates. I do not know what the difference is between cooking and correcting. But I think some corrections are always made by an OMB Director in every administration I have seen over the years. It seems to me that Mr. Miller likes to correct just as much as any of them do.

I trust we will compare those figures to the Congressional Budget Office figures. At least they do not have an ax to grind or a cooked cake to eat as some of the Directors do.

Now, Mr. President, I wish to speak just for a few moments on the amendment that we have before us.

I think, it can be characterized as a good-will amendment. Although the Senate has had some trouble getting the White House to listen to us, we want to make it clear that the Senate is listening to the White House. The White House has said they want 44 programs terminated, wiped out right now, given the ax. They believe that is the only way to get the deficit down to this year's goal. So that is exactly what this amendment does.

For the purpose of identification, I think we could call it the "Son of Stockman, James E. Miller Memorial Amendment." We certainly offer it in the spirit of goodwill. It is set forth in a spirit of quick response to the Director's letter of yesterday which said if we simply terminated some of these programs we would get the budget much more into balance.

So, we sponsor this good will amendment to cut these 44 programs targeted by the administration. It is like the Colt 44. It was a great harbinger of law and order in the early days. This 44 would be the harbinger of returned good times—so the administration says—and so we sponsor it in that spirit.

The \$4 billion it will reduce this year in taxes, as the chairman has pointed out, is somewhat less than the \$5.4 billion we are proposing to be reduced by simply cutting three programs. And yet, it is a figure no one can say lacks significance. It will not keep us from having a sequester. We would still have that. It does not keep us from returning next year and the next year and the next looking for additional programs to cut. We would certainly have to do that. But it does give those Members who have been saying the budget resolution has too much in the way of taxes; too little in the way of spending cuts, and no room for increases in defense—it certainly gives them the ability to put their votes where their comments have been.

It does not mean we will not be back here next year if we do not have some revenues in. I think we will. It does not mean that we will not be looking for other things to terminate. But let us see what is on this year's card.

We have looked at some programs like the Eximbank. The chairman has discussed rural electrification, and EPA sewer treatment grants. Those are certainly programs with constituencies. They are not programs the Senator from Florida feels are meaningless—and, of course, I intend to vote against the amendment. But in programs like soil conservation, I guess the administration believes their time has come and they should be done away with.

The distinguished Senator from Mississippi is standing. He does such a

good job as the chairman of the Agriculture Subcommittee of Appropriations. He is always under pressure to determine where we get the dollars for those programs. I am not sure he would want those dollars to come from soil conservation or REA. But we do not to find out what the body wants us to do in this regard. And I think the amendment would give us that choice.

Mr. COCHRAN. Will the Senator yield?

Mr. CHILES. I am happy to yield to the Senator.

Mr. COCHRAN. Mr. President, I was reading a legislative notice that is on our desks on this side of the aisle describing amendments that will be offered or may be offered to the resolution. One is Chiles-Hart amendment to increase funding for science and technology resource development and education and training.

The increases in these areas are \$4 and \$3 billion. I wonder whether or not it is consistent to offer an amendment, such as the one at the desk, which would target for elimination 44 programs, as the Senator says, and at the same time be sponsoring another amendment to add funds for these same programs. I wonder whether or not the Senate should be on notice that this is an amendment at the desk that is not expected to pass and the Senator is not going to even vote for it. Should we really waste the time of the Senate to discuss the merits of it if it really has no merits, even in the view of the proponent of the amendment?

Mr. CHILES. Well, I would just say to my good friend from Mississippi, I exercise my prerogative as a Senator to not be troubled too much by consistency. I think the Senator from Mississippi perhaps exercises that sometimes as well.

But I also say to him we feel we should allow the Senate to have some choices. We have been told that the administration feels this is a simple way to solve the deficit dilemma we are in. One of those ways is get rid of a number of these agencies. The Senate ought to pass judgment on that.

We are also told there are not the votes around here for any plan. If there are not, maybe we need to find out: Is it a plan like this that will give us the votes? If it is, maybe we will end up saving some time.

The Senator from Florida happens to think, in agricultural terms, seed corn is very important. That is one reason I sponsored the amendment with Senator HART. I think some of the programs like research and development, trade assistance, and some of the job training and education, are seed corn. Planning ahead is something we have always considered important. Even in an austere budget time, we better be thinking about our



next crop and whether we can lay it in.

But I think the Senator from Mississippi is one of those who has signed a letter saying he thinks there is too much revenue in this resolution. There are not enough domestic cuts in this resolution and too little for defense. If that is the way the Senate feels, we need to find out.

Maybe we have been too arbitrary in our budget. Maybe we have shut some people off. So this is an opportunity for some Members of the Senate who have made those statements—and I do not know what the Senator's particular concern is on all of these programs or whether he is ready to get rid of all of them—to have their say. It is time to find out. Is there a majority here that wants to get rid of 44 programs? If so, we will pick up \$4 billion off the taxes. We can take it off this resolution. If there is not, we will know that also, and we will be able to go on to something else. We have other amendments, as the Senator knows, on that list that add money. We will have to determine whether those are amendments we can afford or not.

Mr. COCHRAN. Will the Senator yield further?

Mr. CHILES. I am happy to yield.

Mr. COCHRAN. Mr. President, I am one of those who worries about our bargaining position with the House of Representatives. I might say to the Senator that that is one reason why I did join with Senator QUAYLE and others in signing a letter to the majority leader expressing concern about this budget resolution.

If we were coming out at the conclusion of the process with an end product like the one that is on the floor now, the resolution as reported by the Senate committee, I do not think Senators would fuss too much about it. I think we would see a consensus develop around a budget of that kind. That is my personal opinion.

But beginning the process with this resolution, knowing that the House is going to probably add money on the domestic spending side—and I do not know what it will do to the revenue side—I just do not think it puts us in a good bargaining position.

I do not quarrel with the quality of the work of the Budget Committee. But I wonder whether or not we are going to really serve any useful purpose with an amendment of the kind that is before us now for a vote.

I do not know how I am going to vote on it. I have not really looked at all the programs the Senator has identified. Maybe it is a good test vote to let us see where the Senators are on the thing.

But let me ask the Senator this: Is the Senator not worried that the House is really not participating in this process? It seems to me that they have just decided to abrogate, really,

the responsibilities that I thought they were to share with the Senate—to work out a congressional budget resolution. They are just sitting on their hands doing nothing, saying nothing, hearing nothing, and seeing nothing. I worry about that.

I wonder if the Senator shares my concern about that and what the outlook is if we go through this exercise and vote on all of the amendments, and vote on the resolution. Are they going to continue to sit there and do nothing?

Mr. CHILES. Let me say to my good friend from Mississippi first, I appreciate the remarks that he thinks the budget we crafted is not a bad budget if it is the final product. I tend to believe that way myself, even though it is not everything I want. It is not the one the Senator from New Mexico, the chairman, would put in. But it represents a meeting of the minds of the majority of Republicans and Democrats on our committee.

The Senator is pondering whether our bargaining position is correct. That is a very legitimate question. The Senator may be right on that. I would tell him that there have been times before when the Senator from New Mexico and the Senator from Florida have agreed, and there has been a meeting of the minds. We have stood on our bargaining position with, for example, the defense number going to budget conference with the House, and we have locked it.

We have said we have already gone through the process of high-low and put it together here. We are not going to move off that.

That is the way I view this budget. It is not one I think is the starting position. But as the Senator from Mississippi knows, there is another bargain that must take place. That is with the White House. It is a bargain that skews things in another way. He has asked whether the House has shirked the process or whether there is a dereliction of duty.

There is an old saying that you never know until you put on the other Indian's moccasins. Then you know exactly what he is thinking about. But I can say to my friend from Mississippi, the House is very leery if any plan has revenue in it.

The President has said, "Make my day. I am going to unlimber the veto." The House feels they have been hammered with that before. They take the position that there is no way you can get down to 144 without there being some revenue. They are not going to be the initiator. But they have said, again in a meeting we had recently, if the Senate initiated revenues with the preponderance of votes of the Republican-controlled Senate, if there was some bipartisan spirit over here, they would back off the Speaker's earlier position that the President had to ask

for revenues or they would not go with it. Now the House has stepped back from that.

I am glad. I think it is the responsibility of the Congress. If the Senator is asking if I am worried about their position, yes, I am worried. I am worried that I do not think the administration is as involved as it should be. I heard the Senator's statement earlier today that they proposed their budget. They have. This is part of the thing that is in their budget. We are responding to it. Still I am worried about their involvement. I am worried there are not enough people in here who are concerned. So yes, I worry about all of those things. But I am still an optimist.

Mr. DOMENICI. Will the Senator yield?

Mr. CHILES. Yes.

Mr. DOMENICI. Might I say to my friend from Mississippi first I do want him to know that I did mention the distinguished Senator from Mississippi in my remarks only in one respect. Then I would like to answer some of the concerns he has expressed. But I did say that the Senator had helped us last year to reduce one of the things that he is very concerned about—rural housing. That program would have been reduced 40 percent in last year's budget. The Senator from Mississippi went to the trouble, which I thank him for, of soliciting bipartisan signatures on the letters to me as I marked up saying that the Senator thought we should not terminate the program but we could achieve significant savings. Nonetheless, the administration now proposed to terminate this program.

So I have listed it and talked about what would happen to the program if it is terminated as prescribed.

I did that because on almost all of these programs there is someone who has a very good feeling for why it should not be terminated, and why it still is needed.

But, I say to the Senator, in terms of why I offered this amendment, I do not think it necessary to offer it to make the point that the Senator from Mississippi already knows. The Senator worked on these matters as an appropriator. I do not believe the Senator from Mississippi assumes that three programs including the elimination of rural housing is going to amount to a huge amount of dollars in our trillion-dollar budget.

I think the Senator knows that EDA annually does not cost very much money. But, Senator, I am having a very difficult time making the point when people say to me as chairman, "You have eliminated only three programs, and, those programs amount to \$5 billion in outlays out of a total of \$9 billion that would be the result of terminatory 43 in total."

I am having a very difficult time in making people understand that all of these equal programs only \$4 billion the first year in total savings in a deficit reduction package that is many times that in size. And if we want to increase defense, we have to even add some more to the reduction side.

I offer this amendment so that we will now once and for all, for all concerned, see what they are, how much we save, and for those who continue to say this is the way to solve the fiscal dilemma of this Nation they can see what it does but equally what it does not do.

I acknowledge that there are many who think this kind of program elimination in addition to the budgetary and fiscal impact has some other kind of overtones to it.

I respect that. There are some who claim it is philosophical, and that many of these are not the Government's role. The Senator from Mississippi knows me well enough. I voted to eliminate a lot of these programs. I do not even vote to eliminate some of them on color of philosophical notion. I vote to eliminate some of them because I do not think they do enough in comparison to the damage that the deficit is doing.

I adopt a philosophy which asks if we can afford these programs in today's environment as compared to 20 years ago when Congress enacted the—like EDA, and others.

I go to this great length because I have great respect for the Senator from Mississippi and for what he thinks about this amendment in terms of what I have just described. He is the chairman of the subcommittee, and has a very responsible role.

It just seems to me that in the next 1½ hours or so I have that Members will come to the floor as the Senator from Mississippi did, to discuss their views. Do Members really all understand that we terminate these programs and we get \$4 billion in savings? Or maybe some will say, we do not support this amendment, but we would like to negotiate a little. But we do have to realize that this is not the way and increase defense and achieve all of our other objectives.

So I think it illustrates a point to my friend, the distinguished Senator from Mississippi, that I have been unable to make to many of my friends in the Senate. We must look beyond this kind of approach if we are to increase defense, hold down revenues and meet our budget goals. I hope nobody assumes it is improper for me to call this to their attention in this way. But I have been searching for a way to get some action and movement on some proposals.

I do not want the record to have any doubt about it, I am not going to vote for this. As I indicated, I voted for maybe 50 percent of them once or

twice. So did my good friend from Mississippi, who incidentally, asked the questions on the proper interpretation of a vote for this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. The Senator from Mississippi has said that he believes this would enhance our bargaining position with the House. If this amendment carried, I would say to my friend from Mississippi, we would have an enhanced bargaining position. I do not think there is any doubt about that. I think when you include things like the Export-Import Bank, Rural Electrification Administration subsidies, the EPA sewer treatment grants, soil conservation programs, the Ag extension service, the Federal Crop Insurance Program, postal subsidies, rural housing, the SBA Budget Authority, section 202 housing for the elderly and handicapped, with Amtrak, all of those programs certainly have a constituency on the House side. If we look at UDAG, EDA, the Rural Development Programs, SBA disaster loans, community service block grants, the Library Program, FEMA Supplemental Food and Housing Program, all of those trigger some determined constituencies over there.

I guess, as the chairman has said, these are some decisions that have to be made. If our budget proposal is not good enough, at some stage we need to find out what we can do.

I think the chairman and I feel that maybe if everybody had to go through this process and spend as much time on it as we have, they would end up somewhere near where we are. That is exactly what happened to us. It was not my personal choice to come out with the proposition we have. I do not want to have to vote for any new taxes myself. I would like to have a higher number for defense. I would like to not even cut some of the programs and not have to resist some of the amendments we will have to resist. But, to get the deficit down to \$144 billion, to fashion something we thought would have some chance of passing, is how we arrived at this number.

The process we are in now is to find out where there are 51 votes in this body for a budget. That is what we are up against.

So, Mr. President, we think this is a proposition that will allow the Senate to express itself. It will have the chance to express itself on these cuts. For that reason, I think it is a "good will" amendment that gives the Senate the opportunity to make that choice.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BOSCHWITZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. Mr. President, I have just come to the floor, and I understand that an amendment is now pending, which has been offered by the distinguished chairman and the distinguished ranking minority member of the committee, the effect of which will terminate a number of programs. I have not had a chance to discuss the substance of the amendment—

The PRESIDING OFFICER. If the Senator will withhold, who yields time?

Mr. BOSCHWITZ. How much time does the Senator need?

Mr. ARMSTRONG. An hour. I might not use it all.

The PRESIDING OFFICER. Who yields time?

Mr. ARMSTRONG. Mr. President, I move that the resolution be recommitted to the committee. I do so simply to gain the opportunity to speak on this matter. It is my understanding that by doing so I gain the opportunity to speak for 1 hour. It is my intention, in fact, to speak for about 2 minutes; and at the proper time I will move to vacate my own motion.

Mr. President, I understand that the business pending before the Senate is the Domenici-Chiles motion, the effect of which is to terminate a number of programs. I have not had the opportunity to discuss this with the two managers, but I am led to believe, by staff and others who have consulted them, that they do not offer this with the serious intent that it be adopted, but merely to embarrass a number of Senators and put them on record—a sort of tongue-in-cheek kind of amendment.

It has been the opinion of some Senators that it is impossible to make any cost savings, that it is impossible to come to grips with these program terminations. The President has sent us, I guess, all these 43 proposed changes, and what the managers are evidently seeking to accomplish here is to just prove how preposterous and ludicrous it is to think that these suggestions by the President could actually be acted upon by the Senate; and I suppose the expectation is that it is going to get a very small vote.



I came here today to say that while I would be perfectly comfortable to vote for these, separately or individually, and I may do so, I hope that most Senators, especially those who are running for office this year, will see through this, that it is an intention to embarrass them, without an intent to enact these changes.

I would be proud to come to the floor and try to make some savings. But this kind of tactic I find quite disagreeable. So I think that, under the circumstances, the Domenici-Chiles proposal deserves to be defeated; and in due course I think the budget resolution in its present form should be defeated.

It appears to me that this is a proposition which is better handled by defeating the budget resolution and then having the committee go back to work.

So, Mr. President, I just wanted to set the record straight. If, at some time, Senators want to come forward with a serious proposal to do something, I will be the first to support it. In fact, if this particular measure is put to a rollcall vote—and I hope it is not—I probably will vote for it.

In fact, I intend to because I think, while I have not looked at the list of 43, I am probably in favor of every one of those terminations, and if truth be known, I could come up and be comfortable with a list of 43 more that are not on there.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. ARMSTRONG. I better not, I say to the Senator, because he is such a skillful person in moments like this that I am not sure I want to entrust my fate to his tender mercies now. May I ask of the Senator before I decide to yield, does he seek me to yield for friendly purposes or otherwise?

Mr. JOHNSTON. A gentle and friendly question.

Mr. ARMSTRONG. In that case, I am pleased to yield to my friend from Louisiana.

Mr. JOHNSTON. Mr. President, first I agree with my distinguished friend from Colorado, that this amendment is somewhere between a "make a point amendment" and a "tongue in cheek."

Just how would the Senator characterize OMB Director Jim Miller's letter to Robert Dole of April 21 in which he said, "The answer to the Gramm-Rudman-Hollings challenge is not to increase taxes or lessen our defense capability; it is to cut inefficiency and ineffective domestic programs?"

Does the Senator not also put that letter in the same category as this amendment, that is defying the laws of arithmetic, as Dave Stockman is wont to say?

Mr. ARMSTRONG. Mr. President, I do know much, but I learned a long

time ago not to hang around here defending OMB. If there is one thing that is absolutely guaranteed to lead to disaster it is trying to defend the OMB. I have not even had a chance to read David Stockman's book yet, though in due course I intend to do so.

I say to the Senator, I have not read the letter. I do not want to dispute his characterization of it.

The practical fact is this, let me say to my good friend from Louisiana, and I do not want to overemphasize it, but I do not think we ought to lose sight of it either: This budget resolution we have before us does not cut anything, only really a handful of small reductions, a handful of places; we restrained slightly the growth of Federal spending. We are in the sixth year of an administration, the most conservative President in our lifetime or probably should ever see. The Senate is under the control of a bipartisan conservative majority, generally conservative Members in both parties. In fact, there are darn few Members of the Senate in either party who would willingly be identified in public as big spending liberals. And yet the fact of the matter is we have runaway Federal spending—rising every year. We have taken no serious sustained effort to make any cuts. The best we have done in a few cases is to slow and only by a little, the rate of increase in these programs.

Mr. BOSCHWITZ. Mr. President, will the Senator yield for a question?

Mr. ARMSTRONG. Yes. But let me list some programs we have not done anything about. UDAG, one of the most costly, outmoded, overblown programs we have ever had, the termination of which is endorsed not only by those of us opposed in the first place, but those who were initial sponsors and backers; Amtrak, which has cost so far \$12 or \$14 billion, generally agreed I think by most thoughtful people privately that it is going to go out of existence—the only real question is how much longer it is going to be on the Federal dole before it does go out of existence—and I guess 40 or 42 more.

We really have not done anything about those. It just seems to me that we ought to treat it more seriously than to offer an amendment of this kind.

So, that is my only point.

I am pleased to yield.

Before I do, Mr. President, I withdraw the motion which I offered, which, as I explained at the outset, was only for the purpose of gaining recognition.

The PRESIDING OFFICER. The motion is considered withdrawn.

The Senator from Minnesota is recognized.

Mr. BOSCHWITZ. Mr. President, if my friend from Colorado would stay, I often find myself to be in agreement

with him and yet I must respectfully disagree.

The effort that is being made here by the chairman of the Budget Committee and the ranking minority member of the Budget Committee is to join in the debate. The effort is not being made to embarrass any Senators.

It is my understanding that Chairman DOMENICI and Senator CHILES have been waiting here very patiently. They have called upon Senator JOHNSTON and me to replace them because they have been here so long and had to attend to other business. They have been waiting very patiently for people to come and suggest alternatives and perhaps my friend—

Mr. ARMSTRONG. Will the Senator yield for a question?

Mr. BOSCHWITZ. I ask my friend from Colorado the same question: Is this a friendly question he is going to ask or is this—

Mr. ARMSTRONG. Mr. President, in response I say it is a question friendly to him but not to the sponsors of the amendment or the amendment itself.

Mr. BOSCHWITZ. I certainly yield to my friend from Colorado.

Mr. ARMSTRONG. Mr. President, the question is, Is it the understanding of the Senator from Minnesota that neither of the sponsors of the amendment intend to vote for it?

Mr. BOSCHWITZ. I have only spoken to the staff about this and let me speak only for my chairman. It is my understanding that he will not, but that he is very desirous of joining the debate and having Senators come down here with amendments, having Senators who are critical of the budget as passed by the committee come down and offer substitutes for it, so that we can proceed.

In the alternative, we sit and watch the clock tick away and arrive at the conclusion by coming to the end.

Mr. ARMSTRONG. Mr. President, if I am told—

Mr. BOSCHWITZ. Pardon me. I believe I have the floor. Does the Senator from Colorado want to ask a question?

Mr. ARMSTRONG. No, Mr. President. I just wanted to draw a final conclusion and then go have lunch.

Mr. BOSCHWITZ. I want to respond to the Senator's statements about whether or not we have been able to slow the budget.

As I look at the outlays for 1985, they were \$946 billion; they are estimated, in 1986, to be \$979 billion; in 1987, under the budget that we have passed in committee, \$994 billion. That is less than a 2-percent increase.

From 1985 to 1986, the increase is approximately 3 percent; from 1986 to 1987 it is 2 percent, less than 2 per-

cent. Once again, it is a little less than 3 percent from 1987 to 1988.

I respectfully tell my friend from Colorado that political realities are such that that is a pretty good result. If we can keep Government spending rising at 2 or 3 percent for a few years, we certainly will conform with Gramm-Rudman, and that since Government revenues have risen in the last 30 years at the rate of about 9.5 percent, if we can keep spending down to 2 or 3 percent, we are going to be OK and we are going to conform to the goals of Gramm-Rudman.

With that I yield to my colleague from Colorado for a comment.

Mr. ARMSTRONG. Mr. President, first with respect to the amendment itself, if it is correct that neither of the two sponsors intend to vote for it, I rest my case on the merits of the amendment.

Second, with respect to whether or not we are doing a good job, I appreciate the reassurance of my friend from Minnesota. I do not share his conclusion. I think we are doing a miserable job. I think it is a disgrace for this body to treat so lightly the economic future of this country and, more than that, I must say that it has now reached a point where I think it is more than just an economic issue. I think it is a fundamental question of the integrity of the lawmaking process to let deficits of this size go on year after year.

Now, it is my observation that most people out in the country who have thought about it think that Congress is populated by a bunch of gutless wonders, and in general I think that perception is correct. There are certainly some honorable exceptions, in fact I guess I would have to say there are many honorable exceptions, but Congress is a body which is uniquely a reversed synergism. Somehow a group of thoughtful, well-informed, well-intentioned men and women come from all over the country and collectively they proceed to do something which they would not any one of them in their individual capacity dream of doing.

I regret it very much. I have not come to the floor to bellyache about that but really only to complain of this pending amendment which I think is not only—well, I just think it is a sham, and I just wanted to say so. I am not one to be lacking in candor.

I do not think it changes anything whether this amendment is up or down or whether or not there is ever a vote on it, and I presume probably there is not any intention to vote on it. But what it emphasizes is that there is not any serious intent on the part of the managers to try to achieve these savings, and I regret that very much.

(Mr. ABDNOR assumed the Chair.)

Mr. BOSCHWITZ. Mr. President, I hope that my friend would come down

and offer some alternatives. This is once again an effort by the Budget Committee leadership to draw the attention of the Senate to the fact that the debate is certainly proceeding slowly, that time is elapsing, that we are going to drive it to 50 hours and there will be a vote on final passage and those who wish to amend or otherwise change or substitute for the package should come down here and do so. We certainly would welcome that.

Mr. President, I yield the floor.

Mr. EXON. Mr. President, I am delighted that the amendment has been offered and I am delighted to say I will be voting against it. I do not think that brands me as one not interested in bringing our deficit under control because, as the record clearly shows, this Senator has been on this floor time and time again for the last 3 or 4 years trying to put a freeze into effect to get our spending under control.

So I believe that if we can have a vote up or down on these issues then that will settle once and for all any suggestion that seems to crop up from time to time that we should refer this matter back to the Budget Committee.

I wish to associate myself with the remarks made by my able and distinguished friend from Minnesota. He was one of that courageous band of seven Republicans, joined by five Democrats, to report a budget out to the floor that took an awful lot of hard work and an awful lot of courage and an awful lot of give and take. Certainly not everything in that budget is agreeable to this Senator. But the way you work things out here is to kind of come up with some kind of reasonable consensus by reasonable people who take a reasonable approach and not one that jumps off the cliff.

I simply would recite once again for the record the excellent letter that came from the distinguished chairman of the Budget Committee and the ranking member today that simply says domestic spending will be substantially restricted under the committee's budget resolution, declining from 13.1 percent of GNP in the current year to 11.7 percent of GNP for 1989. That is progress. And those who say that we have not taken action to reduce spending in the Budget Committee simply are not looking at the facts.

I would like to quote the next paragraph from that letter dated April 23 to all the Members of the Senate from the chairman and the ranking minority member of the Budget Committee. The next paragraph says, Mr. President:

The Director mischaracterizes the issue as raising taxes versus cutting spending. Our budget resolution has total outlays that are \$4 billion less than the President's budget in fiscal year 1987 and \$12 billion less over a 3-year period. Our high tax revenues go not

for higher spending but to reduce the deficit.

And I thought that that was what Gramm-Rudman-Hollings was all about. I would simply say that almost every time I mention Gramm-Rudman-Hollings, I want the record very clear that this Senator did not support that, although it had some parts that I liked. But on balance, Gramm-Rudman-Hollings is the wrong way to go about solving the difficult problems that face us, in the opinion of this Senator from Nebraska.

I simply say, Mr. President, that an awful lot of hard work has gone into the Budget Committee. Unless you serve on the Budget Committee and recognize the trauma that we went through over there, then I simply say that you do not fully understand and appreciate how good a budget we came out with; but, granted, it is a long way from perfect.

Since it is a long way from perfect, and since there are determined attempts by those who say it is easy to do this if you have the courage, I am delighted that we are going to have a chance to vote on this for a clear expression of the Members of the U.S. Senate.

Mr. President, I yield the floor.

Mr. BOSCHWITZ. Mr. President, I would point out to my friend from Nebraska that while I do not want to give too much credit to my colleagues on the other side, the Democrats, it was not five Democrats but six who voted for the budget resolution.

Mr. EXON. I am delighted to stand corrected.

Mr. BOSCHWITZ. And seven Republicans among that group behind my name.

I do disagree with my friend from Nebraska about Gramm-Rudman. I suggest to him that if we did not have the drive and the constraints that were imposed upon us by Gramm-Rudman that we would be back to the business as usual and you would see spending climbing even at the normal rate. And I pointed out before the Senator came here, spending in the next 2 or 3 years is going to climb at somewhere between 2 and 3 percent each year. That is a fairly good restraint.

If you in your home or I in my home or we in our businesses—and both of us are among the few businessmen who are here in the Senate—if we could keep the overhead, the expenses, rising at 2 or 3 percent a year, we would be in pretty good shape in our businesses. And that is what Gramm-Rudman is forcing us to do. Because, in the event we do not do it, then, that scythe will just come and mow down a whole bunch of programs rather indiscriminately. And as long as the club exists, I think the Senate will act. And in the event it is not there and you rely upon the goodwill of the Senators



from Nebraska and Minnesota and all the others who occupy this body, I am afraid we would not get it done.

So I think that Gramm-Rudman-Hollings was among really the premiere prices of legislation that I have had an opportunity to participate in since I arrived here, arriving on the same day that my friend and colleague from Nebraska did.

Mr. EXON. Mr. President, I appreciate the fine remarks made by my good colleagues from Minnesota. I still do not agree with him on Gramm-Rudman, but, as I said, it has helped somewhat in bringing the attention, perhaps, of the Senate to problem at hand.

The question is: What happens if all of our best efforts fail? We are already in violation of Gramm-Rudman, as the Senator from Minnesota knows full well, because Gramm-Rudman mandated that we have the budget reported out on April 15, 1986, not April 15, 1987.

So I am not certain that Gramm-Rudman is everything that it is hailed to be, but I do agree that it has brought at least attention of the matter to the U.S. Senate.

I would simply say that I think it has some serious constitutional flaws that are now being tested and I believe that we should have been here doing the work that we are doing right now, Gramm-Rudman-Hollings notwithstanding.

So I say that it may be that we are here late getting the budget out. That may be the fault of Gramm-Rudman. I think it is not. I think that if there is anything good about Gramm-Rudman, it at least forces some feet to the fire.

I would certainly agree with my friend from Minnesota that because of Gramm-Rudman, or in spite of it, the attention of the people of the United States have come to grips with the situation that confronts us and we have got to do something about this skyrocketing deficit and national debt.

I thought it was interesting the other night when I heard the former director of the Office of Management and Budget, Mr. David Stockman, say that he was astonished that the total national debt of the United States had doubled from \$1 to \$2 trillion in the 5 short years that we have had the Reagan administration.

And he conceded in this television interview that we are in terrible shape today, and we had been working on an economic malaise for the last 5 or 6 years that got us into the situation we have now.

So I suspect that Gramm-Rudman-Hollings and/or the continuing high deficits and the skyrocketing national debt are what brought us to the realization that we are going to have to do something.

So I think it was the actions of the current administration over the last 5

years and the faulted policies with regard to deficits and budgets that brought us to this and not necessarily Gramm-Rudman-Hollings in and of itself.

Mr. President, I yield the floor.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. I say to my good friend from Nebraska that the fact the Senate missed the April 15 date is not really debilitating. We miss those kinds of dates right along. But they are not compulsory. We begin to pick up the real tough dates only on August 15, and there will be a great penalty if we do nothing. But that penalty is not yet coming into play, and it will not for a while.

So the fact that we missed the April 15 date and are not in precise compliance with Gramm-Rudman in my judgment really does not make too much difference.

Mr. President, I suggest the absence of a quorum and, Mr. President, I ask unanimous consent that the time on the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I understand the distinguished Senator from Florida has a modification that he desires to offer to the pending amendment.

Mr. CHILES. Mr. President, I send the modification to the desk.

The amendment was modified.

The amendment (No. 1797), as modified, is as follows:

On page 2, decrease the amount on line 3 by \$4,063,000,000.

On page 2, decrease the amount on line 4 by \$6,242,000,000.

On page 2, decrease the amount on line 5 by \$8,408,000,000.

On page 2, decrease the amount on line 8 by \$4,063,000,000.

On page 2, decrease the amount on line 9 by \$6,242,000,000.

On page 2, decrease the amount on line 10 by \$8,408,000,000.

On page 2, decrease the amount on line 19 by \$4,455,000,000.

On page 2, decrease the amount on line 20 by \$8,299,000,000.

On page 2, decrease the amount on line 21 by \$10,904,000,000.

On page 2, decrease the amount on line 24 by \$4,063,000,000.

On page 2, decrease the amount on line 25 by \$6,242,000,000.

On page 3, decrease the amount on line 1 by \$8,408,000,000.

On page 5, decrease the amount on line 5 by \$4,063,000,000.

On page 5, decrease the amount on line 6 by \$6,242,000,000.

On page 5, decrease the amount on line 7 by \$8,408,000,000.

On page 5, decrease the amount on line 10 by \$4,455,000,000.

On page 5, decrease the amount on line 11 by \$8,299,000,000.

On page 5, decrease the amount on line 12 by \$10,904,000,000.

On page 5, decrease the amount on line 15 by \$4,063,000,000.

On page 5, decrease the amount on line 16 by \$6,242,000,000.

On page 5, decrease the amount on line 17 by \$8,408,000,000.

On page 7, increase the amount on line 12 by \$729,000,000.

On page 7, increase the amount on line 13 by \$140,000,000.

On page 7, increase the amount on line 21 by \$586,000,000.

On page 7, increase the amount on line 22 by \$223,000,000.

On page 8, increase the amount on line 6 by \$121,000,000.

On page 8, increase the amount on line 7 by \$268,000,000.

On page 8, decrease the amount on line 16 by \$80,000,000.

On page 8, decrease the amount on line 17 by \$80,000,000.

On page 8, decrease the amount on line 24 by \$80,000,000.

On page 8, decrease the amount on line 25 by \$80,000,000.

On page 9, decrease the amount on line 7 by \$80,000,000.

On page 9, decrease the amount on line 8 by \$80,000,000.

On page 9, decrease the amount of line 16 by \$369,000,000.

On page 9, decrease the amount on line 17 by \$300,000,000.

On page 9, decrease the amount on line 25 by \$653,000,000.

On page 10, decrease the amount on line 1 by \$635,000,000.

On page 10, decrease the amount on line 9 by \$1,002,000,000.

On page 10, decrease the amount on line 10 by \$1,004,000,000.

On page 10, decrease the amount on line 19 by \$847,000,000.

On page 10, decrease the amount on line 20 by \$140,000,000.

On page 11, decrease the amount on line 4 by \$1,447,000,000.

On page 11, decrease the amount on line 5 by \$246,000,000.

On page 11, decrease the amount on line 13 by \$2,047,000,000.

On page 11, decrease the amount on line 14 by \$603,000,000.

On page 11, decrease the amount on line 23 by \$368,000,000.

On page 11, decrease the amount on line 24 by \$321,000,000.

On page 12, decrease the amount on line 8 by \$510,000,000.

On page 12, decrease the amount on line 9 by \$540,000,000.

On page 12, decrease the amount on line 17 by \$605,000,000.

On page 12, decrease the amount on line 18 by \$666,000,000.

On page 13, increase the amount on line 2 by \$347,000,000.

On page 13, decrease the amount on line 3 by \$1,851,000,000.

On page 13, decrease the amount on line 11 by \$2,465,000,000.

On page 13, decrease the amount on line 12 by \$2,645,000,000.

On page 13, decrease the amount on line 20 by \$3,056,000,000.

On page 13, decrease the amount on line 21 by \$3,214,000,000.

On page 14, decrease the amount on line 5 by \$915,000,000.

On page 14, decrease the amount on line 6 by \$708,000,000.

On page 14, decrease the amount on line 14 by \$977,000,000.

On page 14, decrease the amount on line 15 by \$758,000,000.

On page 14, decrease the amount on line 23 by \$1,077,000,000.

On page 14, decrease the amount on line 24 by \$930,000,000.

On page 15, decrease the amount on line 9 by \$961,000,000.

On page 15, increase the amount on line 10 by \$85,000,000.

On page 15, decrease the amount on line 18 by \$725,000,000.

On page 15, decrease the amount on line 19 by \$174,000,000.

On page 16, decrease the amount on line 2 by \$1,075,000,000.

On page 16, decrease the amount on line 3 by \$633,000,000.

On page 16, decrease the amount on line 13 by \$815,000,000.

On page 16, decrease the amount on line 14 by \$396,000,000.

On page 16, decrease the amount on line 22 by \$819,000,000.

On page 16, decrease the amount on line 23 by \$856,000,000.

On page 17, decrease the amount on line 6 by \$819,000,000.

On page 17, decrease the amount on line 7 by \$932,000,000.

On page 17, decrease the amount on line 16 by \$117,000,000.

On page 17, decrease the amount on line 17 by \$180,000,000.

On page 17, decrease the amount on line 24 by \$117,000,000.

On page 17, decrease the amount on line 25 by \$136,000,000.

On page 18, decrease the amount on line 7 by \$117,000,000.

On page 18, decrease the amount on line 8 by \$137,000,000.

On page 19, decrease the amount on line 18 by \$789,000,000.

On page 19, decrease the amount on line 19 by \$103,000,000.

On page 20, decrease the amount on line 3 by \$819,000,000.

On page 20, decrease the amount on line 4 by \$119,000,000.

On page 20, decrease the amount on line 13 by \$839,000,000.

On page 20, decrease the amount on line 14 by \$167,000,000.

On page 23, decrease the amount on line 2 by \$413,000,000.

On page 23, decrease the amount on line 3 by \$352,000,000.

On page 23, decrease the amount on line 10 by \$411,000,000.

On page 23, decrease the amount on line 11 by \$414,000,000.

On page 23, decrease the amount on line 18 by \$409,000,000.

On page 23, decrease the amount on line 19 by \$411,000,000.

On page 24, decrease the amount on line 2 by \$20,000,000.

On page 24, decrease the amount on line 3 by \$20,000,000.

On page 26, increase the amount on line 3 by \$163,000,000.

On page 26, increase the amount on line 4 by \$163,000,000.

On page 26, increase the amount on line 12 by \$138,000,000.

On page 26, increase the amount on line 13 by \$138,000,000.

On page 26, increase the amount on line 21 by \$101,000,000.

On page 26, increase the amount on line 22 by \$101,000,000.

On page 29, increase the amount on line 24 by \$252,000,000.

On page 29, increase the amount on line 25 by \$252,000,000.

On page 29, increase the amount on line 26 by \$275,000,000.

On page 29, increase the amount on line 26 by \$275,000,000.

On page 30, increase the amount on line 1 by \$280,000,000.

On page 30, increase the amount on line 2 by \$280,000,000.

On page 33, decrease the amount on line 13 by \$4,063,000,000.

On page 33, decrease the first amount on line 14 by \$6,242,000,000.

On page 33, decrease the second amount on line 14 by \$8,408,000,000.

On page 35, increase the amount on line 11 by \$159,000,000.

On page 35, increase the amount on line 12 by \$46,000,000.

On page 35, decrease the first amount on line 13 by \$501,000,000.

On page 35, decrease the second amount on line 13 by \$566,000,000.

On page 35, decrease the amount on line 14 by \$1,025,000,000.

On page 35, decrease the amount on line 15 by \$1,171,000,000.

On page 36, increase the amount on line 20 by \$252,000,000.

On page 36, increase the amount on line 21 by \$252,000,000.

On page 36, increase the first amount on line 22 by \$275,000,000.

On page 36, increase the second amount on line 22 by \$275,000,000.

On page 36, increase the amount on line 23 by \$280,000,000.

On page 36, increase the amount on line 24 by \$280,000,000.

On page 42, increase the amount on line 15 by \$159,000,000.

On page 42, increase the amount on line 16 by \$46,000,000.

On page 42, decrease the first amount on line 17 by \$501,000,000.

On page 42, decrease the second amount on line 17 by \$566,000,000.

On page 42, decrease the amount on line 18 by \$1,025,000,000.

On page 42, decrease the amount on line 19 by \$1,171,000,000.

On page 44, decrease the amount on line 6 by \$4,063,000,000.

On page 44, decrease the first amount on line 7 by \$6,242,000,000.

On page 44, decrease the second amount on line 7 by \$8,408,000,000.

On page 44, after line 21, insert the following:

#### SENSE OF THE CONGRESS

SEC. 4. It is the sense of the Congress that \$4,343,000,000 of the spending (outlay) reductions in fiscal year 1987 assumed in this concurrent resolution should be achieved through program terminations and significant program reductions, as proposed by the President's budget request for fiscal year 1987, affecting the following programs: Export-Import Bank direct loans; OPIC insurance programs; advanced communications technology satellite; Rural Electrification Administration subsidies; weatherization assistance programs; EPA sewage treatment grants; soil conservation programs; LANDSAT; sea grant and coastal zone man-

agement; Department of Agriculture extension service; temporary emergency food and shelter; Federal crop insurance program; trade adjustment assistance to firms; U.S. Travel and Tourism Administration; postal subsidy; rural housing loans; Small Business Administration; Section 202 housing; Amtrak; Interstate Commerce Commission; Washington Metro; Maritime Cargo Preference Expansion; Appalachian Regional Commission; Economic Development Administration; Urban Development Action Grants; rental housing development grant (HODAG-RRG); Section 312 rehabilitation loan fund; Section 108 loan guarantee program; Rural development program; SBA disaster loans; Community service block grant; Impact aid (Part B); Library programs; Small higher education programs; State student incentive grants; College housing loans; Public health service (health profession subsidies); FEMA supplemental food and shelter; Section 8 moderate rehabilitation; Rural housing grants; Legal Services Corporation; Justice grants; Public debt reimbursement to Federal Reserve Banks.

#### SENSE OF THE CONGRESS

SEC. 4. TERMINATION AND REDUCTION OF PROGRAM.—It is sense of the Congress that \$4,343,000,000 of the spending (outlay) reductions in fiscal year 1987 assumed in this concurrent resolution should be achieved through program terminations and significant program reductions in 43 areas, as proposed by the President's budget request for fiscal year 1987, affecting the following programs: Export-Import Bank direct loans; OPIC insurance programs; advanced communications technology satellite; Rural Electrification Administration subsidies; weatherization assistance programs; EPA sewage treatment grants; soil conservation programs; LANDSAT; sea grant and coastal zone management; Department of Agriculture extension service; temporary emergency food and shelter; Federal crop insurance program; trade adjustment assistance to firms; U.S. Travel and Tourism Administration; postal subsidy; rural housing loans; Small Business Administration; Section 202 housing; Amtrak; Interstate Commerce Commission; Washington Metro; Maritime Cargo Preference Expansion; Appalachian Regional Commission; Economic Development Administration; Urban Development Action Grants; rental housing development grants (HODAG-RRG); Section 312 rehabilitation loan fund; Section 108 loan guarantee program; Rural development program; SBA disaster loans; Community service block grant; Impact aid (Part B); Library programs; Small higher education programs; State student incentive grants; College housing loans; Public health service (health profession subsidies); FEMA supplemental food and shelter; Section 8 moderate rehabilitation; Rural housing grants; Legal Services Corporation; Justice grants; Public debt reimbursement to Federal Reserve Banks.

Mr. DOMENICI. Mr. President, I have discussed the pending amendment with the leader's office. I am going to give the Senate a rough estimate that we shall not start the vote on this amendment for something like 25 or 30 minutes. As soon as I have word from the leader, then I shall inform the Senate that there are a few minutes left and we shall proceed to move the amendment toward a Senate vote.



If Senators are wondering what might happen after that, there are a number of Members who have indicated their intention to other amendments. We are trying to find a Senator—

The PRESIDING OFFICER. The time on the amendment has expired.

Mr. DOMENICI. Mr. President, I yield myself whatever time is necessary off the resolution.

The PRESIDING OFFICER. The Senator has that right.

Mr. DOMENICI. I thank the Chair. Let me continue that discussion.

Senators are wondering what will happen after the vote on the pending amendment. It is my hope that we can get an amendment, where the Members involved will agree to reduce the time limit to less than the 2 hours allowed. We would not take a full hour in opposition—so that we might have one additional vote before the 3:30 time the leader has set. This proposal might clearly change the leader's plans for the remainder of the day.

I will conclude by saying as I have for well over an hour, today that the propose of this amendment is to help us understand what the terminations the President has proposed mean in terms of fiscal policy, and the extent to which they will move us toward the Gramm-Rudman-Hollings mandatory target of \$144 billion for 1987 and the outyears. This amendment does, in my opinion, serve a useful purpose. I repeat that I have been trying to get those who have amendments and have concrete ideas, either because they are partially or totally in opposition to the pending budget resolution, to offer them, to come to the floor and suggest them and seriously debate them.

#### ELIMINATE 44 FEDERAL PROGRAMS

Mr. LEAHY. Mr. President, I rise today to oppose an amendment to the Senate budget resolution which would eliminate the 44 programs the President recommended for termination in his budget proposal.

Mr. President, I ask unanimous consent that a list of these programs appear at this point in the RECORD.

Let me mention just a few of the programs slated for elimination by this amendment. The General Revenue Sharing Program would be eliminated, despite the fact that this important means of Federal-local cooperation helps towns and cities in my State of Vermont provide essential services without raising already high property taxes.

The Work Incentive Program [WIN] would be canceled. Yet, WIN is the only Federal program with the specific charge of removing Americans from welfare rolls and placing them in jobs. WIN has been especially important in helping single parents on welfare find employment and a means of support for their children. Not only is WIN well-intentioned, but it works and it

works in Vermont, where our WIN Program was rated first in the Nation.

Federal support for libraries would also end as a result of this amendment. I cannot think of a greater threat to an enlightened America or an informed electorate than ending support for libraries—very often the center of knowledge and information in rural communities.

Passage of this amendment would also mean the end of passenger rail service in Vermont. Since 1979, I have fought to maintain and strengthen Amtrak's Montrealer service to Vermont. This amendment would not only put an end to the Montrealer; it would eliminate Federal support for Amtrak.

These are just a few examples of the ill effects of the proposed amendment eliminating 44 Federal programs.

But, what is worse—what is more compelling—is the fact that canceling these programs would only save \$4 billion. There is no doubt that \$4 billion is a great deal of money, but there are far more sensible and less painless ways of raising those funds than cutting important programs wholesale.

Earlier this year, the General Accounting Office reported to me that more than \$7.5 billion could be saved in the Pentagon budget simply by correcting incorrect inflation assumptions in major defense contracts. That is, GAO found \$7.5 billion in padding and waste in defense contracts.

It is beyond me, how the administration could ask us to gut programs that help people—that help people in Vermont—to reduce the deficit by \$4 billion, when almost twice that much can be saved by teaching Pentagon accountants to add.

For this reason, Mr. President, I urge my colleagues to defeat this amendment soundly.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

#### PROGRAMS TO BE TERMINATED

Work incentive Program (WIN).  
General revenue sharing.  
Conrail.  
Trade adjustment assistance to firms.  
Appalachian Regional Commission.  
Economic Development Administration.  
Urban development action grants.  
U.S. Travel and Tourism Administration.  
Export-Import Bank direct loans.  
Community services block grant.  
Rental housing development action grant (HODAG).  
Section 312 rehabilitation loan fund.  
Postal Subsidy.  
FEMA supplemental emergency food and shelter.  
Advanced communications technology satellite.  
OPIC insurance programs.  
Amtrak.  
Interstate Commerce Commission (terminations and transfers).  
Washington Metro construction grants.  
Maritime cargo preference expansion.  
EPA sewage treatment grants.  
Impact aid (type "b" students).  
Library programs.

Small higher education programs.  
State student incentive grants.  
College housing loans (new loans).  
Public Health Service (health profession subsidies).

Legal Services Corporation.  
Certain soil conservation programs.  
Federal crop insurance program.  
Rural housing loans/grants.  
Small Business Administration (eliminations and transfers).

Rental rehabilitation grants.  
Section 8 moderate rehabilitation.  
Section 202 elderly and handicapped housing.

Section 108 loan guarantee program.  
Rural development program.  
Rural Electrification Administration subsidies.

Weatherization assistance program.  
LANDSAT (eliminate future subsidies for contractors).

Sea grant and coastal zone management grant programs.

Juvenile justice grants.  
Justice State-local assistance grants.  
Public debt reimbursements to Federal Reserve Banks.

Mr. DOMENICI. Mr. President, unless the distinguished Senator from Florida has something to say, I suggest the absence of a quorum and ask unanimous consent that it be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the clerk dispense with further reading of the roll.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. Has all time expired on the amendment, as modified?

The PRESIDING OFFICER. All the time has expired on the amendment, as modified.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Mexico and the Senator from Florida. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER], and the Senator from Florida [Mrs. HAWKINS], are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Iowa [Mr. HARKIN] is necessarily absent.

I further announce that, if present and voting, the Senator from Iowa [Mr. HARKIN] would vote "nay".

The PRESIDING OFFICER (Mr. PRESSLER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 14, nays 83, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—14

Armstrong	Hecht	Proxmire
East	Helms	Rudman
Garn	Humphrey	Symms
Gramm	Laxalt	Wallop
Hatch	McClure	

NAYS—83

Abdnor	Exon	Mitchell
Andrews	Ford	Moynihan
Baucus	Glenn	Murkowski
Bentsen	Gore	Nickles
Biden	Gorton	Nunn
Bingaman	Grassley	Packwood
Boren	Hart	Pell
Boschwitz	Hatfield	Pressler
Bradley	Heflin	Pryor
Bumpers	Heinz	Quayle
Burdick	Hollings	Riegle
Byrd	Inouye	Rockefeller
Chafee	Johnston	Roth
Chiles	Kassebaum	Sarbanes
Cochran	Kasten	Sasser
Cohen	Kennedy	Simon
Cranston	Kerry	Simpson
D'Amato	Lautenberg	Specter
Danforth	Leahy	Stafford
DeConcini	Levin	Stennis
Denton	Long	Stevens
Dixon	Lugar	Thurmond
Dodd	Mathias	Trible
Dole	Matsunaga	Warner
Domenici	Mattingly	Weicker
Durenberger	McConnell	Wilson
Eagleton	Melcher	Zorinsky
Evans	Metzenbaum	

NOT VOTING—3

Goldwater	Harkin	Hawkins
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So the amendment (No. 1797), as modified, was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CHILES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I understand that Senator ANDREWS has an amendment.

Mr. ANDREWS. That is correct.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 1798

(Purpose: To add additional funds for education programs and to offset the increased outlays with increased revenues)

Mr. ANDREWS. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. ANDREWS], for himself, Mr. HOLLINGS, Mr. STAFFORD, Mr. LAUTENBERG, Mr. WEICKER, Mr. BRADLEY, Mr. D'AMATO, Mr. DODD, Mr. SPECTER, Mr. MOYNIHAN, Mr. PRESSLER, Mr. PELL, Mr. MATHIAS, Mr. MELCHER, Mr. DANFORTH, Mr. KERRY, Mr. MITCHELL, Mr.

SIMON, Mr. MATSUNAGA, Mr. BURDICK, Mr. LEVIN, Mr. KENNEDY, Mr. LEAHY, Mr. SARBANES, Mr. ROCKEFELLER, Mr. FORD, Mr. METZENBAUM, Mr. INOUE, Mr. BOREN, Mr. BINGAMAN, Mr. DURENBERGER, Mr. RIEGLE, Mr. BUMPERS, Mr. PRYOR, and Mr. BYRD proposes an amendment numbered 1798.

Mr. ANDREWS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 2, increase the amount on line 3 by \$300,000,000.

On page 2, increase the amount on line 4 by \$1,100,000,000.

On page 2, increase the amount on line 5 by \$1,500,000,000.

On page 2, increase the amount on line 8 by \$300,000,000.

On page 2, increase the amount on line 9 by \$1,100,000,000.

On page 2, increase the amount on line 10 by \$1,500,000,000.

On page 2, increase the amount on line 19 by \$1,200,000,000.

On page 2, increase the amount on line 20 by \$1,500,000,000.

On page 2, increase the amount on line 21 by \$1,500,000,000.

On page 2, increase the amount on line 24 by \$300,000,000.

On page 2, increase the amount on line 25 by \$1,100,000,000.

On page 3, increase the amount on line 1 by \$1,500,000,000.

On page 5, increase the amount on line 5 by \$300,000,000.

On page 5, increase the amount on line 6 by \$1,100,000,000.

On page 5, increase the amount on line 7 by \$1,500,000,000.

On page 5, increase the amount on line 10 by \$1,200,000,000.

On page 5, increase the amount on line 11 by \$1,500,000,000.

On page 5, increase the amount on line 12 by \$1,500,000,000.

On page 5, increase the amount on line 15 by \$300,000,000.

On page 5, increase the amount on line 16 by \$1,100,000,000.

On page 5, increase the amount on line 17 by \$1,500,000,000.

On page 16, increase the amount on line 13 by \$1,200,000,000.

On page 16, increase the amount on line 14 by \$300,000,000.

On page 16, increase the amount on line 22 by \$1,500,000,000.

On page 16, increase the amount on line 23 by \$1,100,000,000.

On page 17, increase the amount on line 6 by \$1,500,000,000.

On page 17, increase the amount on line 7 by \$1,500,000,000.

On page 33, increase the amount on line 13 by \$300,000,000.

On page 33, increase the first amount on line 14 by \$1,100,000,000.

On page 33, increase the second amount on line 14 by \$1,500,000,000.

On page 44, increase the amount on line 6 by \$300,000,000.

On page 44, increase the first amount on line 7 by \$1,100,000,000.

On page 44, increase the second amount on line 7 by \$1,500,000,000.

Mr. BYRD. Mr. President, will the distinguished Senator from North Dakota yield?

Mr. ANDREWS. I am more than happy to yield to the distinguished Democratic leader.

Mr. BYRD. I thank the distinguished Senator.

If I may direct my inquiry to the distinguished majority leader, I use this time to indicate to the distinguished majority leader that I would like to have given him a little notice but I did not know, in this instance, because I thought we ought to have the inquiry while we have pretty good attendance on the floor.

Could the distinguished majority leader indicate what the outlook is for the rest of the day with respect to rollcalls—and many of us already know that, as the majority leader has already told us—but, more importantly, what is the outlook for tomorrow as to rollcalls and with respect to Friday, and may I say especially with regard to Friday?

The distinguished majority leader has indicated, I believe, maybe for the RECORD, certainly with me, that we might be out Friday if we could charge some time off the budget resolution to compensate for the time we could be out. Would the majority leader be in a position now to elaborate?

Mr. ANDREWS. Mr. President, in yielding to the distinguished Democratic leader, let me, before the majority leader responds, point out that it was my intention momentarily to ask unanimous consent—and I have the consent of Senator HOLLINGS, the principal sponsor on the Democratic side—that the vote on this amendment occur at 3:30, which is, as I understand it, by agreement, the moment that a vote should occur.

So I will propound that unanimous-consent request or I would ask the Democratic and Republican leaders to entertain that kind of unanimous-consent request.

Mr. BYRD. Mr. President, I thank the Senator.

Mr. DOLE. Mr. President, we will have this vote yet today on this bill, and we are going to recess at 4 o'clock by a previous unanimous-consent agreement. Tomorrow, we will come in at 10 o'clock and hope to be on the bill by 10:30 and hope to dispose of some other amendments. We have not reached any agreement on when we might complete voting on tomorrow.

But, if we can work out a substantial agreement on time on Friday, I think I have the consent of the managers to charge that off and not be in session on Friday.

Mr. BYRD. Will the distinguished majority leader and others, especially the managers of the resolution, perhaps put the request at this time or at least make a clear position known that



on Friday the Senate will not be in session and that, say, 8 hours would be counted against the measure, which is probably more than would actually be consumed if the Senate were to be in session? Then all Senators would know there would be no session on Friday.

Mr. DOMENICI. Will the majority leader permit me to make an observation?

Mr. DOLE. Yes.

Mr. DOMENICI. Mr. President, I think 10 hours might be more appropriate. I might say to the distinguished minority leader that actually we cannot get anymore to bring amendments down here. Senator ANDREWS has brought his up, but we have asked five other Senators who have amendments that we have known about if they could come in this afternoon, perhaps using less time than the distinguished Senator from North Dakota—Senator ANDREWS has what he considers to be a very important amendment—and we could not get anybody to do that. If we could get credit for 10 hours, people might begin to look at the fact that there are 8 or 10 or 12 amendments left and that maybe they should start offering them. So I would urge we take 10 hours off.

Mr. DOLE. Mr. President, I ask unanimous consent that once the Senate completes its business on Thursday, April 24, it stand in adjournment until 12 noon on Monday, April 28, and that 10 additional hours be considered as having been used on the budget resolution.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, reserving the right to object, I have an inquiry. How much time will be remaining if this consent agreement is agreed to?

Mr. DOLE. Thirty-some hours. But let me get it from the Parliamentarian.

The PRESIDING OFFICER. At present, there are 39 hours and 36 minutes remaining.

Mr. BUMPERS. Could the Parliamentarian give us some idea—or I guess the majority leader would have to do it—counting the time we anticipate staying in today and tomorrow, and adding the 10 hours on Friday, approximately how much time would be left on the bill?

Mr. DOLE. Twenty hours or more. It would be 1½ today, and that gets us down to 38, and tomorrow we might consume 6 or 8 hours. That is 30, and 10 is 20.

Mr. BUMPERS. I will defer to the minority leader on this, but I hope that in the request, instead of asking that 10 hours be charged against the bill on Friday, that we simply agree that starting at noon on Monday, if

that is when we are going to come in, according to this request, that there be 20 hours remaining at that point.

Mr. METZENBAUM. At least.

Mr. HOLLINGS. Reserving the right to object, I am as anxious about Monday as some others are about Friday. Does this change the Monday schedule? I am not trying to ham up the agreement for Friday, but I do not want all of a sudden to find myself in the briar patch on Monday.

Mr. DOLE. On Monday, the agreement is there are no votes after 6. There will not be any votes after 6.

Mr. HOLLINGS. There could be votes before 6?

Mr. DOLE. Yes.

Mr. HOLLINGS. I thought we westerners had to come back before 6. Then, for the moment, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Mr. President, I thank the distinguished Senator for yielding.

Mr. ANDREWS. Mr. President, I am glad to yield to the Democratic leader.

Mr. President, I now propound my unanimous-consent request that the vote on this amendment occur at 3:30 p.m.

Mr. DOMENICI. Mr. President, reserving the right to object, I believe it would be more appropriate or more acceptable to the Senator from New Mexico if you were to add to that, "and the time be equally divided."

Mr. ANDREWS. I would add to that, "and the time to be equally divided between Senators on the majority and minority side, to be controlled by myself and the Senator from South Carolina, Senator HOLLINGS."

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Mr. President, reserving the right to object, that is controlled by those in favor and those opposed, not the majority and minority.

Mr. ANDREWS. Mr. President, my apologies. I would suggest that the time be controlled by the Senator from North Dakota and the Senator from New Mexico.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object. The Senator would not object to adding that "all provisions of the Budget Act regarding floor consideration of amendments shall remain in full force and effect?"

Mr. ANDREWS. That is right.

Mr. DOMENICI. I thank the distinguished Senator.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. ANDREWS. Mr. President, I am pleased to offer an amendment for myself and Senators HOLLINGS, STAFFORD, LAUTENBERG, WEICKER, BRADLEY, D'AMATO, DODD, SPECTER, MOYNIHAN, PRESSLER, PELL, MATHIAS, MELCHER,

DANFORTH, KERRY, MITCHELL, SIMON, MATSUNAGA, BURDICK, LEVIN, KENNEDY, LEAHY, SARBANES, ROCKEFELLER, FORD, METZENBAUM, INOUE, BOREN, BINGAMAN, DURENBERGER, and Mr. ABDNOR and we seem to have additions coming in.

Let me point out that our amendment represents a concerted bipartisan effort to restore Federal funding for education programs under function 500. During my career in Congress, Mr. President, I repeatedly expressed my conviction—

The PRESIDING OFFICER. The Senate will be in order. Will Senators suspend? Will all conversations in the rear of the room move into the cloakroom? The Senate will be in order.

The Senator from North Dakota. Mr. ANDREWS. I have repeatedly expressed my conviction, Mr. President, that some Federal programs are investments—investments for both individuals and nations as a whole, investments in our todays and all of our Nation's tomorrows.

Mr. President, the diminishing importance of education as an issue of national priority now threatens the ability of our public schools to continue to do the job that must be done to thoroughly and effectively educate our Nation's young people. The fact is the States simply cannot do this critically important job on their own. In my own State, times are tough. The Midwest must contend with an ailing farm economy, and in North Dakota there are problems with our oil industry as well. Add that to a high rate of unemployment, and it is a small wonder, Mr. President, that States' coffers are depleted. Despite the claims of economic health and stability, financial resources on which to draw the Federal dollar remains a necessary and a critical component for many States and public school systems.

Mr. DOLE. Will the Senator from North Dakota yield for an announcement?

Mr. ANDREWS. I am happy to yield to the majority leader.

Mr. DOLE. I want to remind my colleagues. At 2:30 p.m. in S-207 Secretary Shultz will be there to talk about a wide range of topics including Libya, the economic summit, Saudi arms sales, and other things. He will be there at 2:30.

I thank the Senator.

Mr. ANDREWS. I appreciate the majority leader's pointing that out, and I yield to my colleague, my good friend and cosponsor of this legislation, the Senator from South Carolina.

Mr. HOLLINGS. I thank my distinguished colleague from North Dakota.

I ask unanimous consent to add as cosponsors Senators RIEGLE, BUMPERS, and PRYOR.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, in 1983, the National Commission on Excellence in Education, which was chartered by then Secretary of Education Bell in 1981, released a report titled "A Nation at Risk: The Imperative for Educational Reform." The report stated:

If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war.

Since that time, claiming to support a strong education system has become the latest fad. Unfortunately, as with most fads, such support appears to be all flash, and little substance. The current administration has done nothing to combat this threat, and, in fact, has exacerbated the problem by refusing to commit to excellence in education.

Since the release of "A Nation at Risk," 10 other reports which censure our Nation's educational system have been released. While all these reports set forth different ways in which to reform the educational system, they all agree that the system is in dire need of such reform.

Incredibly enough, the response of the current administration to this plethora of demands to reform and strengthen the educational system has been to decrease the amount of available funding. Federal funding for education has increased in dollar amount, Mr. President, but, when adjusted for inflation, it has declined by about 16 percent since fiscal year 1980. Federal funds have also decreased as a percentage of the total national expenditure for education. Federal expenditures now represent 7 percent, or less, of the total spent on education. More to the point, education has dropped from 2.3 percent of the Federal budget in fiscal year 1980 to only 1.6 percent in fiscal year 1986.

What are the consequences of this declining commitment to education? Well, when a significant portion of the funds for specific programs comes from the Federal Government and that Federal assistance is substantially reduced, the results are devastating. For example, after the 1981 budget cuts, 700,000 students were dropped from the Chapter 1—compensatory education for the disadvantaged—Program—which now only serves 40 percent of those eligible, and nearly 3 million children were dropped from the School-Lunch Program. The results are particularly tragic in light of a national high school drop-out rate that has recently increased to 27 percent, and a child poverty rate that has escalated from 16 percent in 1979 to a current rate of 22 percent.

It is good common sense to utilize our Nation's most valuable asset—her people. Investment in the human in-

frastructure is the most cost-effective method for ensuring increased domestic prosperity, social welfare, and international leadership. Education is the fundamental source of our economic prosperity, our national security, and our sense of national community. The knowledge created and transmitted by educational institutions is the key to our economic and military strength in an increasingly competitive world.

Education is essential for maintaining our tradition of democracy and individual freedom. Thomas Jefferson eloquently stated the importance of education in a democracy when he said:

I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion.

We simply cannot afford to allow education to become the preserve of a privileged few. The United Negro College Fund has a slogan that states "A mind is a terrible thing to waste." We in the Senate have a responsibility to assure that no minds go to waste in this country. A real and tangible commitment to the expansion of the human mind is, perhaps, the single most important legacy we can bequeath our children.

In an effort to discharge this responsibility, Senator ANDREWS and I have put together an amendment which would add \$1.2 billion in budget authority to the education portion of Senate Concurrent Resolution 120—the Domenici-Chiles budget resolution. As I have said many times before, we cannot increase the economic level of any until we increase the educational level of all. Specifically, our amendment provides for current services for all education programs. Current services equal the fiscal year 1986 appropriation—the presequestration amount—plus inflation, figured at 5.7 percent.

Because the budget resolution contains \$400 million in increases for priority programs such as title 1, handicapped education, and Pell grants, the percentage increase for these programs in the Andrews-Hollings amendment is less than for other education programs. Similarly, because the budget resolution assumes a \$100 million cut in the Chapter 2 Block Grant Program, the percentage increase for this program is more than for other education programs.

Mr. President, I urge my colleagues to join me in supporting this amendment. The education challenge has not even begun to be met. Inadequate funding at this point would only serve to undermine the very foundations of our educational system in this country. I do not think that anyone wants

to pay that price. So please give us your earnest here. This is a very serious amendment. It should not be opposed by the leaders of the bill. It frankly ought to be accepted in the context that we have shown the discipline—we have complied with Gramm-Rudman-Hollings—we provided for the revenues, and it is only a modest amount to try to help keep pace in the programs.

Our amendment adds funding to the first concurrent budget resolution for several important programs including title 1, handicapped education vocational and adult education, chapter 2 block grants, impact aid, Bilingual Education, and the Math and Science Program.

#### TITLE 1, AID TO DISADVANTAGED CHILDREN

Enacted in 1965 to provide financial assistance to school districts with concentrations of children from low-income families, its focus has been to provide compensatory educational programs that address the special needs of educationally deprived children—primarily for instructional services in reading, math and language arts. The national assessment of education progress data show that the reading scores of disadvantaged students rose dramatically between 1970 and 1984, and these gains are largely attributable to title 1. The shortcoming of the program is, while it serves about 4.8 million children, it is available to less than half of the students who are eligible for its valuable service. And, adjusting for inflation, the estimated constant dollar funding level for title 1 has fallen by 24 percent between fiscal year 1980 and fiscal year 1986.

The Andrews-Hollings amendment will provide an additional \$219 million for title 1 and restore 328,000 students to the program over the amount in Domenici-Chiles.

#### HANDICAPPED EDUCATION

The Education of the Handicapped Act was established for the purpose of awarding grants to States to assist them in providing a free and appropriate education to all handicapped children. This program represents the basic vehicle through which the Federal Government maintains a partnership with the States and localities to end the educational neglect of handicapped children. Although Federal appropriations for this program have increased steadily since 1975, the Federal share of the excess costs peaked at 12.5 percent in 1979 and currently represents 9 percent, well below the authorized level of 40 percent.

State and local districts simply cannot afford the extra financial burden of carrying out the congressional mandate of providing free public education in as normal a setting as possible for every handicapped child. We must live up to our obligation and provide the funding necessary



to assist the state in this important endeavor. Our amendment would provide an additional \$83 million for handicapped education over the level provided in the budget resolution. An increase in funding for the Education of the Handicapped Program would result in an increase in the overall Federal contribution for the excess costs of educating a handicapped child.

#### VOCATIONAL EDUCATION

Vocational education programs provide education, training, and basic instruction needed by persons to successfully compete and advance in the labor market. Vocational education bridges schools and the workplace and provides alternative learning for thousands of youths, who without such an option, would become dropouts from school.

Since 1980 enrollments in vocational education have risen from 16.8 million to 19.5 million secondary, post-secondary and adult students. Despite this significant increase in enrollments, Federal dollars for vocational education have declined by 28 percent since 1980 when adjusted for inflation.

The Andrews-Hollings amendment would add \$85.4 million to the budget resolution for vocational education. Without this increase, vocational education improvements will be reduced and training and retraining for adults will be cut back. In addition, services for disadvantaged and handicapped students will be reduced.

#### CHAPTER 2 STATE BLOCK GRANTS

Chapter 2 block grants provide funding to State and local education agencies for a wide variety of educational improvement purposes from special programs for the gifted to career education and teacher education. Enacted in 1981, this program replaced 28 categorical programs previously funded at \$743 million. In addition, enactment of this consolidation under the severely reduced funding level has meant competition among diverse previously funded programs for shrinking funds.

For example, local education agencies now find themselves choosing between funds for library materials or desegregation assistance. Our recommendation of \$171 million would reverse the funding decline these activities have experienced since fiscal year 1980. It would provide States and localities with additional financial flexibility to adjust elementary and secondary education programs to the changing educational needs of our society, and to develop and expand programs ensuring that students have the basic minimal skills needed to be educated citizens in our society. Funds may also be used to purchase and utilize modern instructional equipment, including microcomputers, or to encourage and enhance the process of school desegregation. This amount would also provide more funds to the Secretary of

Education to invest in education programs of national priority—programs which would identify areas in education where deficiencies exist and where national leadership could avert future crises in our educational system.

#### IMPACT AID—PUBLIC LAW 81-874—PUBLIC LAW 81-815

Public Law 81-874, impact aid is a current year funded reimbursement law which makes payments directly to local public school districts which educate military, Indian and poverty children. These children have parents who are exempt from one or more of the revenue generating taxes due to their Federal involvement.

The concept was first passed in 1950 as an in-lieu-of taxes law and only makes payment where there is an actual presence of federally connected youngsters.

In 1980, the law was funded at \$702 million or almost 75 percent of the actual amount needed to fully fund the concept. In 1980 it served 4,300 school districts or about 2.5 million children.

In 1986, the law was funded at \$663 million or about 53 percent of its actual need. In 1986 the number of districts had been reduced to 3,000 serving a little under 2 million youngsters.

Insufficient funding has forced payments to some categories for some districts as low as 10 percent of their entitlement. A regular A payment may be as little as \$450 per child with regular B payments as low as \$25 each.

If the Andrews-Hollings amendment is passed, the law would be funded at 60 percent of its actual need and the additional revenue would make a significant increase in the per-pupil payments in both regular categories.

Additionally, there would be enough to restore the devastating cuts to the 815 companion law for school construction to serve federally connected children.

#### HIGHER EDUCATION

##### PELL GRANT PROGRAM

The largest need-based Federal postsecondary student aid program administered by the Department of Education is the Pell Grant Program. The program's purpose is to assist students from low-income families to gain access to postsecondary education. Eligibility for a Pell grant is determined by a federally established need analysis system implemented through the family contribution schedule, and once the student's eligibility is determined, grants are provided directly to undergraduate students based on their financial need.

The buying power of the Pell grant for needy students has declined drastically since fiscal year 1980. In fiscal year 1980, the \$1,750 maximum award represented 40 percent of the average cost of attendance at all institutions—

although only 25 percent of the cost of students attending independent institutions. In fiscal year 1986 the maximum award grew to \$2,100 and unless that level is maintained for fiscal year 1987 it will meet only 34 percent of the average cost of attendance at public institutions—and only 17 percent of the average cost for students at independent institutions. Students from needy backgrounds will find it increasingly difficult to attend college.

Our amendment will continue to ensure that Pell eligible students receive financial support to continue their undergraduate studies. Our amendment will serve an additional 442,800 students over the current March 1, 1986, level of 2,881,000 students.

#### TRIO PROGRAMS

The special programs for students from disadvantaged backgrounds are comprised of five programs—Talent Search, Upward Bound, Special Services for Disadvantaged Students, Educational Opportunity Centers, and Staff Development Activities. These programs provide important outreach, counseling, and tutorial services as supportive services to low income, first generation, and physically handicapped students. These supportive services are utilized as a mechanism to encourage attendance and retention and to improve academic performance of low income, first generation college students, whose parents were not afforded the opportunity to pursue a postsecondary education. Through the Trio programs, low-income students are provided with a realistic opportunity to escape the cycles of poverty and dependence and to achieve the upward mobility afforded by access to higher education. Studies have shown that participants in the TRIO programs are more than twice as likely to stay in school as other disadvantaged college students who did not have the benefit of these services. And, Upward Bound students are four times as likely to graduate from college as similar students not in Upward Bound.

The TRIO programs have lost over 100,000 students since fiscal year 1980. The Andrews-Hollings amendment will provide \$17 million in additional funds to ensure that these low-income students continue to receive the essential services they so desperately need to enter postsecondary education. An additional 43,500 students will be added to the current level of 486,866 students who are currently being served through the TRIO programs.

#### SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT

The Supplemental Educational Opportunity Grant [SEOG] Program provides education grant assistance for undergraduate students who demonstrate substantial financial need. Grant awards are made to students

through the postsecondary institution that the student plans to attend. Awards for SEOG students may range from \$200 to \$2,000. The amount of the award is determined by the school that the student attends. Better than 72.4 percent of the SEOG funds are awarded to students with family incomes of less than \$30,000 per year. This program's effectiveness also has been substantially eroded in the past 6 years.

By the addition of \$40 million, our amendment will increase the number of SEOG recipients by an additional 71,818 to the current level of 718,000 participants.

#### STATE STUDENT INCENTIVE GRANTS

The State Student Incentive Grant Program is a Federal-State cost sharing partnership to encourage the development and expansion of need-based grant programs, and State scholarship aid programs for postsecondary students with substantial financial need. To participate in the program, States are required to match each Federal SSIG dollar with another dollar from non-Federal sources.

The Andrews-Hollings amendment would provide access for an additional 21,600 students over the current level of 292,000 students who are eligible to receive State Student Incentive Grants.

#### COLLEGE WORK STUDY (CWS)

The College Work Study Program finances part-time employment for undergraduate, graduate, and professional students who are attending eligible institutions of postsecondary education and who need those earnings from employment to attend college.

Federal grants pay up to 80 percent of the student's wages; the remaining 20 percent is paid by the institution, which may pay its share directly to the student in tuition, room and board, and books. Not only does the program help students meet their college expenses, but participants also receive training and experience in their selected course of study through their part-time jobs. Still other students are employed under the program to support various campus services and activities that the institutions might not otherwise be able to provide.

Our amendment will increase the 772,727 participants—current level—by an additional 77,318 participants as a means of ensuring that the students with the greatest financial need will be able to meet their college expenses through a program of training and experience through part time employment opportunities.

#### NATIONAL DIRECT STUDENT LOAN (NDSL)

The National Direct Students Loan Program provides educational loans to undergraduate, graduate, and professional students on the basis of need. By providing long-term, low interest loans to needy students, the NDSL Program has offered a system of credit to those persons who have difficulty securing loans from commercial lenders. Revolving funds have developed at colleges through prior and current year loan repayments. The federal capital contribution permits institutions that have not yet achieved revolving fund status to make new awards.

Our recommendation of \$18 million to this amendment will add an addi-

tional 22,750 participants to the current level of 227,273 participants in the NDSL Program.

I ask unanimous consent that the following tables indicating what has happened to education funding since fiscal year 1980 be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

#### Education funding levels, fiscal year 1980-87

	Billion
1980.....	\$14.4
1981.....	14.8
1982.....	14.7
1983.....	15.4
1984.....	15.4
1985.....	17.9
1986.....	18.4
1986—Mar. 1, 1986.....	17.7
1987—Domenici-Chiles.....	17.8
1987—Andrews-Hollings.....	19.0

#### Funding reductions in certain education programs

(In constant dollars: 1980-86)	Percent
Vocational education.....	-28.0
Chapter 1, compensatory education ..	-23.9
Chapter 2, block grant.....	-56.4
Bilingual education.....	-44.7
Impact aid.....	-36.2
Education of handicapped.....	-7.8
Adult education.....	-32.4
Pell grants.....	+38.5
Supplemental educational opportunity grant.....	-26.1
College work study.....	-28.5
National direct student loans.....	-51.9
Guaranteed student loans.....	+36.0
Institutional aid.....	-14.9
Educational research and statistics....	-52.7
Aid to public libraries.....	+18.4

Source: Based on a January 31, 1986 report from the Congressional Research Service, Library of Congress.

#### ELEMENTARY AND SECONDARY EDUCATION

Program	Fiscal year 1980	Current level Mar. 1, 1986	Domenici-Chiles fiscal year 1987	Added by Domenici-Chiles	Andrews-Hollings fiscal year 1987	Added by Andrews-Hollings
Title 1.....	\$3,216	\$3,530	\$3,689	\$159	\$3,908	\$219
Number served.....	5.4	4.8	5.0	+200,000	5.3	+328,077
Chapter 2.....	\$743	\$506	\$406	-\$100	\$577	\$171
Number served.....						
Handicapped education.....	\$875	\$1,350	\$1,409	\$59	\$1,492	\$83
Percent Federal share.....	12	9	9.1	+1	9.3	+2
Impact aid.....	\$702	\$663	\$663	\$0	\$739	\$76
Number served.....	2.5	1.9	1.9	0	2	+230,000
Vocational education.....	\$779	\$813	\$813	\$0	\$898	\$85
Number served.....		1.7	1.7	0	1.9	+180,000
Adult education.....	\$100	\$98	\$98	\$0	\$108	\$10
Number served.....	2	2.5	2.5	0	2.7	+146,765
Bilingual education.....	\$167	\$162	\$162	\$0	\$179	\$17
Number served.....	340,000	215,500	215,500	0	241,126	+25,626

\$ Billion.

\$ Million.

#### HIGHER EDUCATION

Program	Fiscal year 1980	Current level Mar. 1, 1986	Domenici-Chiles fiscal year 1987	Added by Domenici-Chiles	Andrews-Hollings fiscal year 1987	Added by Andrews-Hollings
SEOG.....	\$370	\$395	\$395	\$0	\$435	\$40
Number of awards.....	743,522	718,000	718,000	0	789,818	+71,818
CWS.....	\$550	\$567	\$567	\$0	\$624	\$57
Number of awards.....	819,093	772,727	772,727	0	850,045	+77,318
NDSL.....	\$301	\$209	\$209	\$0	\$227	\$18
Number of awards.....	335,287	227,273	227,273	0	250,023	+22,750
SSIG.....	\$77	\$76	\$73	\$0	\$80	\$7
Number of awards.....	307,000	292,000	292,000	0	313,600	+21,600
Pell.....	\$1,718	\$3,432	\$3,586	\$154	\$3,807	\$221
Number of awards.....	2,807,000	2,881,000	3,190,000	+309,000	3,632,800	+442,800
TRIO.....	\$147.5	\$169	\$169	\$0	\$186	\$17



Program	Fiscal year 1980	Current level Mar. 1, 1986	Domenici-Chiles fiscal year 1987	Added by Domenici-Chiles	Andrews-Hollings fiscal year 1987	Added by Andrews-Hollings
Number of awards	510,800	486,866	486,866	0	530,366	+ 43,500

<sup>1</sup> Million.  
<sup>2</sup> Billion.

Mr. HOLLINGS. I thank my distinguished colleague from North Dakota.

Mr. ANDREWS. I appreciate my colleague from South Carolina, who co-sponsors this.

Let me, Mr. President, finish my statement, and I will yield to the unanimous-consent request of the Senator from California.

Let me point out, Mr. President, that while the Domenici-Chiles budget package represents a significant improvement over the administration's fiscal year 1987 budget request for education, a modest increase is still needed to ensure that existing education programs continue to operate effectively.

For these reasons, my colleagues and I are offering this amendment to increase funding for function 500 by \$300 million in budget outlays for fiscal 1987. This amendment will restore elementary, secondary, and higher education programs to their current level of services for 1987 by adding an amount for inflation, and the 1986 Gramm-Rudman sequestration.

Lowering the Federal deficit is without question our greatest challenge. However, logic, common sense, and fairness must govern our approach to deficit reduction. To shortchange education in the name of national security, fiscal restraint, or for any other reason is wrongheaded, shortsighted, and damaging to the future of our Nation.

The decision the Senate will make on this amendment reminds me, Mr. President, of a story I told about President Lincoln. The President frequently attended the Wednesday evening services at the New York Avenue Presbyterian Church. On the way home after one such service an aide asked Mr. Lincoln what he thought about the sermon just preached. The President replied, "The content was excellent. He delivered it with eloquence. And he put work into the message."

"Then you thought it was a great sermon?" questioned the aide.

"No," replied Mr. Lincoln.

"But you said that the content was excellent, it was delivered with eloquence, and it showed much work."

"That is true," Mr. Lincoln said, "but Dr. Gurley forgot the most important ingredient. He forgot to ask us to do something great."

Mr. President, we stand before this body, and we say to our colleagues let us show the American people that we as Members of the Senate are not only

willing but capable of doing something great. I ask that you join together with us in reaffirming our commitment to a public education system for our children that is second to none.

Quite candidly, Mr. President, if we do not like young people, if for some reason or another they trouble us, they bother us and we are not friendly toward them, Mr. President, if we only worship the almighty dollar, then let me point out we ought to support this amendment because, Mr. President, this amendment will restore \$10 for every dollar we invest in this program because these are indeed and in fact the investment programs.

Mr. President, our most critical strategic defense initiative is a well-educated population. The young people of this Nation must not have the doors to their future slammed shut even before they have been fully opened to them. By denying adequate funding for education, we are condemning our children to an intellectual wasteland and short-circuiting the training of our best and brightest young people to take their places as leaders in the councils of government, the technological arena as poets, philosophers, teachers, and physicians, but most of all, as literate and knowledgeable citizens of our great democracy.

In closing, I would like to recall the words of yet another great American, and this is a bipartisan effort. I am going to recall the words of Thomas Jefferson who said, "If a nation expects to be ignorant and free in a state of civilization, it expects what never was and never will be."

Mr. President, I yield to the Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, I am proud to be a cosponsor of the Andrews-Hollings amendment, which would add \$1.2 billion to the budget resolution for education purposes.

If approved, this amendment would provide education with funding at the fiscal 1986 final appropriation plus an inflation adjustment. The result would be very similar to the recommendation which the distinguished chairman of the Senate Subcommittee on Education, Arts, and Humanities [Mr. STAFFORD] and I recommended to the Budget Committee earlier this year.

On many occasions I have contended that the real strength and health of our Nation lies not in our weapons of destruction, nor in our machinery of construction, nor even in the amount of gold in Fort Knox. In reality, it is determined by the sum total of the

education and character of all of our people.

The Federal contribution to education is not a large one. Overall it amounts to about 10 percent of all moneys spent on education. That 10 percent, however, is extremely important because of the highly targeted manner in which it is allocated.

In elementary and secondary education, for example, the \$3.5 billion we spend in chapter I constitutes 70 percent of all the money that is spent on compensatory education in the entire United States.

In vocational education, the \$700 million we spend at the Federal level generates an amount that is more than 10 times that figure in expenditures at the State and local level.

And, in higher education, where we spend close to \$18 billion annually, over 90 percent of that goes directly to students in the form of grants, loans, and college work study. It is money that enables millions of deserving young Americans to pursue a postsecondary education that otherwise would be beyond their economic reach.

Mr. President, few would question that what we do in education today will have benefits for our society for years and years to come. What we accomplish in a classroom this afternoon may well unleash the talents of a new artist, begin the discovery of a cure to a mysterious disease, or perhaps even lead to the achievements of a lasting peace rather than the hostility and violence on the globe today.

It is in the classrooms of America that we sustain this Nation, and it is through education that we insure that our future will be strong and vibrant.

I urge my colleagues to join me in supporting this important amendment.

Mr. ANDREWS. Mr. President, other Senators will be speaking on this amendment. At this point, however, I yield to Senator LAUTENBERG of New Jersey.

Mr. LAUTENBERG. Mr. President, as an original cosponsor of this amendment to add \$1.2 billion to the education budget, I am pleased to rise in support of the amendment of the Senators from North Dakota and South Carolina. The education of America's children is critical to our future. Our children are the foundation for our national security and strength as a democratic nation in the years ahead. Without an educated young people with a stake in our society, America will ultimately lose out in the fierce

international competition for jobs and economic growth. America's unique place among nations with its commitment to protect the freedom will erode.

A strong military defense capability is essential for our country. However, a strong defense establishment is not sufficient. We need a cohesive society tooling up for the future by educating our youth. We need young people who believe in our country and who have the skills to provide the leadership required in the years ahead.

Federal programs have been critical to improving equity in education and assuring access for all students. These programs focus on the disadvantaged and the handicapped. They provide financial assistance for higher education. The programs assist cultural and educational institutions. Overall, Federal aid is a small proportion of education spending in this country. But, in the areas where assistance is provided, it is a major factor in the development of quality education.

The resolution reported by the Budget Committee does not provide for adequate funding for education for fiscal year 1987. The cuts required earlier this year by the Gramm-Rudman-Hollings budget law would be left in place. Most programs would be frozen at fiscal year 1986 levels, with some programs sharing in a small increase.

Mr. President, the Budget Committee's resolution is an improvement over the budget proposed by the administration. But it does not do enough to support education. During the Budget Committee's consideration of the resolution, I offered a substitute budget plan which included funding for education at about the level proposed in this amendment. The committee did not adopt my budget plan. But, it only narrowly defeated an amendment to add funds for education, which I supported. I believe there is strong support in the Senate for a fair and adequate level of education funding, a level which would be above that provided in Senate Concurrent Resolution 120.

The amendment that we are offering today would add \$1.2 billion to the resolution. This increase will allow education funding to make up for inflation and to make up for the 1986 Gramm-Rudman cuts. Keeping in mind that Federal spending for education has declined since 1981, this amendment is reasonable. It will keep education spending at the current level of services. It does not attempt to make up for the cuts of the last few years.

This amendment will help to maintain programs of demonstrated effectiveness, such as the chapter I program for disadvantaged children. The current funding level provides services for only about 40 percent of the eligible children, although the number of disadvantaged children has greatly in-

creased since 1980. Similarly, Pell grants, to assist low-income students with the costs of higher education, cover an ever smaller proportion of the need. This amendment will help to stop the erosion in these and other education programs that has occurred in the last 5 years.

Mr. President, the budget problem is real. The need to cut the deficit is real. I recognize only too well the damage that has been done to the economy by the deficits of the last few years. But, the proper way to deal with deficit reduction is to set priorities. I believe that education must be given a high priority. This amendment will help to place education funding at a level that better reflects its importance than the committee resolution. I urge the adoption of the amendment.

Mr. ANDREWS. Mr. President, does the Senator need some time?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. ANDREWS. Mr. President, if the senior Senator from New Jersey [Mr. BRADLEY] wishes to speak at this time, I yield to him 3 minutes.

Mr. BRADLEY. Mr. President, I thank the Senator for yielding.

Mr. BRADLEY. Mr. President, I rise today, as a cosponsor of this amendment, to support my distinguished colleagues, the Senators from North Dakota and South Carolina. This amendment will increase funding for basic education programs by \$1.2 billion for fiscal year 1987. This \$1.2 billion brings education programs to their fiscal year 1986 level plus inflation.

But that really does not adequately tell the story. This amendment comes after a 6-year period, beginning in fiscal year 1981, in which funds for education have been subject to persistent cuts. Over this period, the aggregate Department of Education appropriations have been reduced by approximately 16 percent, after adjusting for inflation.

The cuts in elementary and secondary education have been staggering. In fiscal year 1980, for every \$100 spent by the Federal Government, \$1.10 went for elementary and secondary education. This is not a particularly generous figure to begin with. In the President's fiscal year 1987 budget, however, only 66 cents of every \$100 would be spent on elementary and secondary education—a 40-percent reduction since 1980.

Higher education has also suffered. Beginning with the President's first budget in 1981, \$100 million was cut from Pell grant funding, and \$100 million from national direct student loans. The President's fiscal year 1987 budget continues these persistent cuts in Federal support for higher education. It would result in 1.4 million fewer students receiving any form of student aid or loans. In my home

State of New Jersey, 12,600 fewer needy students would receive Pell grants.

Mr. President, it is easy to talk about the failure of our schools and the need for improvement in our educational standards, but it is shortsighted to talk about the importance of education and the problems of our schools while persistently cutting back on the Federal commitment to education.

We cannot continue to pare away at our investment in our most vital natural resource, our children. We cannot look at education as an isolated program that we can cut with impunity. Education has a critical impact on the serious social problems confronting our Nation. The experience of every immigrant group has shown that education offered them the path out of poverty. Moreover, the studies which have demonstrated the critical importance of education for individual and collective progress can and do fill countless libraries.

An enormous amount of publicity and attention has been devoted to the social ills of our youth. Indeed, one in four of our students in America drops out and fails to complete high school. Unfortunately, the figures are much higher in our inner cities. Approximately one in five of our adult population do not have the basic reading and computational skills that will allow them to participate as full functioning members of our society. What does that mean? It means that the tasks of following printed directions in their places of employment, reading directions on medications for themselves or their children, following a recipe, reading a bedtime story to a child, or filling out a tax form, become humiliating experiences of failure. Mr. President, we as a Nation cannot permit this dismal level of competence among our citizens.

Following these past 6 years of cuts in education funding, our educational programs took a further cut under the Gramm-Rudman-Hollings law. My home State of New Jersey, as an example, lost \$9.67 million in elementary and secondary education funds, and \$4.67 million in higher education funds.

Undeniably, we are in a time of serious budgetary constraints. Choices must be made as to how to best spend our funds. I submit that education is not only a good place to spend money, but a critical one.

Mr. President, it seems like a small victory to hold the line on education spending. This is a time for innovation in education. We badly need to address the problems in our educational system, support efforts at improvement, and reward success. We cannot afford to neglect the education of our next generation. I urge passage of this amendment.



Mr. ANDREWS. Mr. President, we reserve the remainder of our time.

Mr. DOMENICI. Mr. President, a parliamentary inquiry: How much time remains for the proponents and how much for the opponents?

The PRESIDING OFFICER. The proponents have 5 minutes 21 seconds; opponents have 30 minutes 45 seconds.

Mr. DOMENICI. I thank the Chair. I yield myself as much time as I need at this time.

First, I want to make one very important point, since some have implied that this amendment is going to save education in the United States. Upon hearing that statement, some Americans might assume that the Federal Government provides a major portion of the money spent on education in this country. This year, the people of this country are going to spend \$260 billion on education. Of that \$260 billion, the cities, the counties, and the States will provide all but \$17.7 billion. In total \$17.7 billion is how much our budget resolution provides for education. If this amendment passes, State and local governments will spend all but \$18.4 billion of the \$260 billion. I hope everyone understands that it is not Federal education programs that are educating our young people; it is the taxpayers' out there in our cities, counties, and States. Again, if Congress implemented our budget resolution as reported, out of \$260 billion spent on education, our national Government would provide only \$17.7 billion of the \$260 billion.

As my colleagues listen to all of the wonderful arguments about how we are going to save this Nation by educating our children properly if we pass this amendment, I want them to keep in mind that this amendment will increase spending on education one-half of 1 percent; not 5 percent, not 10 percent, but one-half of 1 percent.

I do not need to say any more on that point. It is an incredible, preposterous statement. Nobody believes that we will destroy the education system in this country if we don't adopt this amendment.

I have heard that we should be innovative; we should be more creative. I believe that if there's one thing wrong with our Federal programs is that they are not very innovative or creative. Despite that, we hold on to them as though they were the only game in town.

Maybe we should put a little money in for special programs: We are increasing funds for the FAA because we do not have enough people watching out for plane crashes. We are increasing the Internal Revenue Service because there are not enough agents to collect taxes.

We already provided \$400 million above a freeze for education in this budget. And that is not enough. Many claim that education is not getting its

fair share. They want \$1.4 billion more this year and \$4.2 billion over the next 3 years. And how do they pay for it? With more taxes.

I believe this is a serious amendment. I believe there will be plenty of supporters and I would not be surprised if it passes. I do not believe we could have reported out a budget resolution that would have enough funding for education to avoid any further increases on the floor.

Now, let me address those Senators who are worried about the budget and the size of the deficit and the tax increases already assumed in our resolution. If this amendment passes, we will have to raise \$4.3 billion more over the next 3 years.

I have heard a lot of talk that Congress has cut education over the past 5 years. Well, let me tell you what has happened to education since 1980. Vocational rehabilitation has been cut, right? Wrong, vocational rehabilitation has increased by 37 percent in the last 5 years. Compensatory education has grown by 13 percent. Education for the handicapped have increased by 32 percent.

Student financial aid—some people wonder if the Senator from New Mexico knows anything about that. Well, I do not receive very much student aid but I have a lot of kids in college. As a matter of fact, there has never been a U.S. Senator in history with more children in college at one time than I have. I have seven: two in law school and five in undergraduate schools around this country, from New Mexico to Loyola College in Baltimore. Believe me, I know what it costs. In the budget resolution before us, there is not one reduction in student financial assistance programs not one. Over the past 5 years, these programs increased by 32 percent. The Pell Grant Program alone grew by 46.4 percent.

Mr. NICKLES. Will the chairman yield?

Mr. DOMENICI. I will be happy to yield.

Mr. NICKLES. I missed the Senator's opening statement. I am sure the Senator covered this. Could he tell me what the outlays were last year and then what the outlays are projected for 1987, or for 1986, 1987, 1988, 1989. Are they level or are they the same, increased or decreased?

Mr. HOLLINGS. Decreased.

Mr. DOMENICI. Although the budget authority is increasing, outlays are about constant.

Mr. NICKLES. Constant with 1986 levels?

Mr. DOMENICI. Yes. About \$17.4 billion. They decline slightly due to the savings in the Guaranteed Student Loan (GSL) Program. These GSL reforms affect primarily the banks and the State guarantee agencies, not the students.

Mr. NICKLES. They are the same program plus a little bit more. The savings come from interest savings from the banks and other management changes.

Mr. DOMENICI. Yes. Under the Guaranteed Student Loan (GSL) Program, banks receive a subsidy from the Federal Government, as an incentive to make these loans. We are recommending that the banks receive slightly less of a subsidy for making GSL's to young people.

Mr. NICKLES. For the banks.

Mr. DOMENICI. Yes.

Mr. NICKLES. I thank the Senator.

Mr. DOMENICI. I will reserve the remainder of my time. I will conclude by saying again, I do not believe we could have produced a budget resolution that would have enough for education to satisfy everyone.

My colleagues should know that we already voted on this amendment in committee. It failed. The same person who offers it now, my good friend, Senator ANDREWS, offered it in committee.

The committee instead settled for a \$400 million increase over a freeze for education. I hope that Senator would seriously consider that sooner or later, even with the best of our programs, unless we can find other ones to cut, we ought to settle for something as reasonable as the Budget Committee has offered. I need not repeat what we have done in these programs. We have funded these programs well considering the constraints. And I do not say "we" as though I have been personally responsible. There are many Senators who have been tremendously instrumental in increasing education spending in this country.

Mr. ANDREWS. Mr. President, will my colleague yield for a moment?

Mr. DOMENICI. I just want to compliment several of my colleagues. For example, we have the distinguished education subcommittee chairman. Thanks to him funding for these programs have gone up.

Our job will not be any easier if this amendment passes.

Mr. ANDREWS. Will my chairman yield briefly?

Mr. DOMENICI. I will be pleased to yield.

Mr. ANDREWS. Let me point out, Mr. President, that our chairman is a friend of education. He did move very far toward our figures in the Budget Committee. I think it is also important to point out that while he came about two-thirds of the way, we had an amendment within the Budget Committee. We lost by a two-vote margin and we said we would take that amendment to the floor, which is what we are doing. Let me also point out that while the distinguished Senator from New Mexico and the Senator from Florida, the chairman and rank-

ing member of the Budget Committee, did accommodate about two-thirds of our request, the amendment that now is before us is, as the chairman, I am sure, in his fairness and equity will point out, still below the CBO budget baseline in each one of these outyears. It is that simple. We are merely revisiting on the floor what we had a sharp debate about in the Budget Committee, and those of us who support education assure our colleagues that the Senator from New Mexico does support education, too. He just does not come quite as close to the CBO baseline as we would like to come.

Mr. DOMENICI. I thank the distinguished Senator.

Mr. President, how much time does the Senator from New Mexico have?

The PRESIDING OFFICER (Mr. SYMMS). Fourteen minutes and 50 seconds.

Mr. DOMENICI. I yield myself 1 minute, and then I will yield to the distinguished Senator from Florida. The Senator from Nebraska (Mr. EXON) also wants 3 minutes.

Mr. President, I want to address the point raised by Senator ANDREWS. I hope no one believes that the baseline has anything to do with the question of how much funding a particular program should receive.

Since the Budget Act passed, some 12 years ago, our committee has used the baseline, or current policy, as a starting point. Current policy assumes that every program increases by the rate of inflation, even if Congress has not voted for increases.

CBO has no expertise in education. CBO is not telling us, and never has, what a proper funding level should be for education.

Mr. ANDREWS. Does CBO have that expertise in defense? That CBO baseline is held firmly when you talk about defense numbers.

Mr. DOMENICI. CBO does not make recommendations about increases in spending. They do not claim to know what level of Government spending we should support.

Mr. President, I yield 3 minutes to the Senator from Nebraska.

Mr. EXON. I thank the chairman of the Budget Committee.

Mr. President, I think I have a record of supporting education at all levels very strongly, and that record speaks for itself. Nevertheless, I know that when I cast the vote I am going to cast because of my conviction on this, I will be on some lists as antieducation.

We are going to make the first really sincere attempt to break the limits set in the Budget Committee. There is nothing wrong with this, and I applaud the members of the Budget Committee and the members of the Senate. They have every right to offer the amendment that has been offered;

and in normal circumstances, this Senator would be supporting it.

Mr. President, I cast my vote in support of education in the Budget Committee when we essentially froze—by freezing, I mean we did not allow an increase nor did we allow the permanent cuts suggested in the President's budget. This Senator stands for his support of education in the Budget Committee. But, as is the case in almost every program we can think of, the question is, What have you done for me lately? What have you done for me lately in education is likely to be the measure of the education associations—not what we did in committee or what we did in basically freezing the education budget, which I thought was good and proper under the circumstances to meet the constraints we were working under. But, no; now we come along with another \$1.2 billion.

I wish I could support it, because I am a strong supporter of education. I did everything I could for education, in good conscience and in bringing some constraint into line as dictated by good commonsense and as mandated by not so good commonsense embodied in the so-called Gramm-Rudman-Hollings proposal, in the view of this Senator.

It seems to me that what we are really doing here is saying that education is another of those items that will not be cut. If we approve this \$1.2 billion increase, we are basically going to be returning to education the amount that was sequestered under the first Gramm-Rudman-Hollings cut. If we are going to do that with education, "Katy, bar the door" with respect to what we are going to do on down the line.

I am simply saying that, as worthwhile as this amendment is, and as much as I would like to vote for it, I cannot do so in good conscience; because I am fearful that if we break the dam on this issue, "Katy, bar the door" as we take up other amendments.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. DOMENICI. How much time does the Senator desire?

Mr. CHILES. Five or six minutes.

Mr. DOMENICI. I yield 6 minutes to the Senator from Florida.

Mr. CHILES. Mr. President, I have listened to the arguments for this amendment, and I find that they have great merit. They are arguments, in the main, that I have made before—many on the floor, many in committee. I cannot take issue with the arguments.

In fact, I would like to see us at this time be adding more to education. I do not think \$1.2 billion is enough for

what we should be doing in education—nowhere near enough. But if you think about it, that is part of what we are about in this whole thing of trying to get a handle on the deficit.

What do we do when we pay \$148 billion this year in interest payments, when it is the fastest growing item in the Federal budget, the most uncontrollable item in the Federal budget? What does it do? It squeezes us to the point that, over the last few years, we have not been able to set priorities that we know need to be set. We cannot do the kinds of things for the handicapped that we know we should be doing. We cannot do the things for the disadvantaged that we know we should be doing.

We are not doing the things in many other areas of what Government's principal role is—training, education. It is so important for this country that there is no doubt that we should be putting more money into it.

However, we have another thing to remember: We are living in a different environment this year. The Senator from Florida was a cosponsor of an amendment last year that added \$1 billion to education and has been a cosponsor in most of the years it has come up. There is a difference. There is something called Gramm-Rudman-Hollings and the sequester that comes from that if we fail to meet these targets.

I have not seen any great surplus of votes for the committee document as we have it on the floor. In fact, it is 4 weeks out of the committee, and we have just taken it up. Why? Because the majority leader said there is not sufficient support on that side. We certainly have not seen it being given great marks by the White House. We have seen what has happened from that standpoint.

I am tremendously concerned. If we cannot reach that level, as we should, under the Budget Act, what happens? We fall under Gramm-Rudman-Hollings. We fall under the sequester. Then what happens to education? What happens to all our other programs? That is what we are up against.

So in the Budget Committee when we were trying to craft this document, a number of us said that before we would lend our support, we had to add \$400 million to education—we had to add above that so-called baseline or that freeze we were talking about. What we were trying to do was put it in the programs for the disadvantaged, for the handicapped, for the areas where we felt we had to give some additional money.

Give more? Absolutely—I would like to see us be able to give more. But we have to look at it in the context of this question: "How do you like your mother-in-law?" Compared to whom? How do you like this deficit? How do



you like this budget? Compared to a sequester. Compared to what happens if the ax falls and we start cutting. That is the thing we have to look at now.

If you can show me this amendment as it is adopted; if we are going to get the same preponderance of votes; if we are going to get sufficient votes on both sides of the aisle; if we are going to have a bipartisan budget; and if we are going to have a kind of budget so that the House will say, "Wait a minute, we can put in some revenue and go forward with this budget because we have a majority of the Democrats and Republicans sponsoring that in the Senate, so we will not worry about the actions the White House tends to take," then I would say this is a good amendment.

I do not feel that confident. I do not feel that there are enough votes now, especially on the other side of this Chamber, so that we will be able to produce any kind of vote.

For those reasons, I have to say that when you look at the mark we have, compared to what happens if we have a sequester, I think that mark looks very good.

I think we have tried. If you look at what we had to do with all of the other programs the disadvantaged programs, feeding programs, housing programs, the elderly programs, all of those areas, we have tried to treat education as well. I think we did that as we did all of those programs, and again one thing: What is the overall scheme about? The overall scheme is to get control of our destiny so that we can come back and do what we should be doing as a Congress, setting those priorities so that we can be determining what our role should be in education.

But I will guarantee you we will never have an opportunity to do that until we can get this budget under control, until we can cause that interest rate not to be fastest growing program of the Federal Government.

For that reason, I think we should stick with the mark we have in the Budget Committee.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. DOMENICI. Mr. President, I yield 2 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2 minutes.

Mr. GRAMM. Mr. President, I thank the distinguished chairman of the Budget Committee for yielding to me.

I wish to identify myself with his remarks and with the remarks of the Senator from Florida and the Senator from Nebraska.

Mr. President, the fundamental weakness in this budget, as I see it now, is that we do not have a commit-

ment from the partner in this process. That clearly has to be present if the budget is going to be put into place. The reason we do not have that commitment is a dispute about a tax increase of \$53 billion over a 3-year period.

Now, I do not doubt the sincerity of Senators who propose this amendment. I do not doubt for a moment that they are willing to raise taxes, to add another \$2.9 billion to education programs.

I am doubtful, however, Mr. President, that such a tax increase is going to be adopted or that it is going to be signed by the President.

I think with the adoption of this amendment, if in fact it is adopted, that we are adding more to the clear confrontation that exists over this issue. We are making this budget further and further out of reach in terms of its adoption and implementation through a reconciliation bill and a tax increase.

I am concerned, therefore, that while the budget might conform to the Gramm-Rudman-Hollings requirement of being deficit neutral, and I think it is interesting to note that in any other year this would simply have been an add on to the deficit, we are at least debating it here as a tax increase and an add on because of a requirement of the Gramm-Rudman-Hollings bill, and I think that is a step in the right direction.

But I oppose it. I do not feel constrained to explain that I am proeducation. I spent 12 years of my life teaching. I think that represents a commitment in and of itself. But I oppose raising taxes by \$2.9 billion for this add on. I believe that tax increase will be vetoed and if, in fact, we spend the money it will end up being added to the deficit.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. ANDREWS. I yield 3 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 3 minutes.

Mr. WEICKER. Mr. President, I rise in support of the amendment of the distinguished Senator from North Dakota.

Let me say this in relationship to remarks just made: The fact is you are going to have a confrontation on the matter of budget priorities. We have lived now for several years in a rather bizarre arrangement where most of the money goes for defense and little enough in terms of education, health, and science.

No, this is not a finger-pointing exercise as far as the Budget Committee is concerned. They are doing their job, which is to produce a budget. But the matter of choices as to what that budget is to consist of, that is really

what is at issue here on the floor of the Senate, and it should be.

Do not let anyone take any solace in saying this is the Budget Committee's fault, that they are the ones who are responsible. The real clear-cut question before us is what we are going to allocate to education in this Nation.

As the chairman of the Appropriations Subcommittee that handles education funding, I can assure you that over the past several years, education has been shortchanged and continues to be shortchanged.

I appreciate the fact that the budget reported by the Budget Committee is better than that offered by the President. But it still leaves us far behind in terms of what needs to be done in primary, secondary, higher education, and special education. I will address special education separately in a later amendment.

What this vote is about is that once again we want to establish education as a priority in the overall scheme of things, and that is something that can only be done by the Senate and not by the Budget Committee. Please understand that just within my subcommittee alone there were approximately 30 days of hearings just on the subjects of education, health, and labor. The Budget Committee does not have time to do that. I do not know how many days Senator STAFFORD, who is chairman of the education authorizing committee, has also put in on this matter.

But I go down the checklist of what needs to be done, and believe me it is considerable and, yes, over these years we barely kept our head above water.

Now what the Budget Committee has to consider is what are the outyear costs of standing still or falling behind.

Let me give you an example: According to the American Library Association, some 27 million adults are functionally illiterate with an estimated 2 million added to that number annually. It is estimated that functional illiteracy costs the Nation over \$224 billion each year in welfare payments, crime, incompetent job performance, lost tax revenue, and remedial education.

Unless you tend to these outyear costs, there is no way you will ever be able to balance the budget in the future just by virtue of the cost of not doing what should be done in terms of education.

I wonder if my colleagues have any idea what it will cost this Nation if we fail to provide educational services for the handicapped and vocational rehabilitation services for disabled adults. The cost of caring for those who would not be mainstreamed in our schools and the cost of providing food, clothing, and shelter assistance to those who could otherwise be working is enormous.

Recent estimates show that since 1980, Federal education efforts have been reduced by 16 percent in real dollars. The constant erosion of these education dollars will continue to have serious consequences for our society.

Mr. President, this amendment to restore current services for education programs based on the presequestration level is not some wild, big spending assault on efforts to reduce the deficit. Rather, it is an honest attempt to strengthen the capacity of our educational system to provide the quality of education we so desperately need.

I commend my good friend from North Dakota for his leadership in restoring essential Federal funding for educational programs and I urge adoption of this amendment.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. ANDREWS. I yield a minute to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for a minute.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Florida writes us on April 10 which I received a few days later, less than 10 days ago, which I ask unanimous consent the entire document be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
COMMITTEE ON THE BUDGET,  
Washington, DC, April 10, 1986.

DEAR COLLEAGUE: We invite your cosponsorship of the growth and investment initiative discussed at the Democratic Conference.

The resolution passed by the Senate Budget Committee is a balanced and effective deficit reduction package. It complies with the Gramm-Rudman target for fiscal year 1987 responsibly, by ensuring that defense moderation, domestic cuts, and revenues all play a role.

But our Party has long recognized that the national budget is more than a statement of accounts—it is a blueprint for our future. And to secure that future, we must support investments—in science, education, technological development, training, and trade promotion—that will make the country strong, competitive, and capable of offering meaningful opportunities for our people.

To fulfill these objectives, our amendment proposes several billion dollars in investments over three years, funded with new revenues. We do not propose further cuts in national defense. And the amendment includes language rejecting proposals to increase the average American's income taxes.

Attached, you'll find a comprehensive statement which details the investments we are proposing. Please review this material. If you are interested in cosponsoring this Democratic initiative, contact Mark Steitz in Senator Hart's office (4-5852) or John Hilley with Senator Chiles' staff (4-0553).

Sincerely,

GARY HART.  
LAWTON CHILES.

APRIL 10, 1986.

THE DEMOCRATIC—HART/CHILES—GROWTH  
AND INVESTMENT INITIATIVE

The government must develop and invest in a comprehensive program for economic growth that recognizes the challenges and opportunities of the future. Consequently, Democrats must unite behind an alternative package to:

Nurture minds and creativity;  
Foster additional scientific research;  
Promote technological development;  
Sustain a skilled and flexible workforce;  
Use our natural resources productively;  
Expand international market opportunities;

Rather than reacting with piecemeal solutions, America must develop strategic and activist approaches to an evolving world economy:

To maintain our lead in scientific and commercial endeavors, we must provide opportunities for all to learn and then apply their education;

To translate research into marketable products, we must reward technological and product development. But we must also sustain a skilled and flexible workforce to produce these products competitively;

To reap the benefits of our competitive prowess, we must be able to compete fairly and openly in the world's markets;

To enable our prosperity to endure we must manage our resources wisely and adopt innovative approaches which minimize energy usage and maximize environmental protection.

Concerted action can create a whole that is greater than the parts. The growth and investment initiative funds programs in science, education, technological development, training, natural resources, and trade promotion—drawing together the elements of a comprehensive and connected policy.

Therefore, we propose a "pay as you invest" budget amendment.

The Democratic Growth and Investment initiative would invest \$3.0 billion more in fiscal year 1987 and \$17.1 billion more over the next three years, compared to the bipartisan compromise. These investments would be financed through increased taxes—the amendment includes, however, language expressing the sense that these revenues not come from increasing income taxes on low and middle income Americans.

As the attached table shows, the amendment contemplates three major initiatives: investments in science and technology, in resource development, and in education and training. The science and technology initiatives include:

New investment in technology development focused on biomedical and biotechnical research, supercomputers, robotics, fiber optics and other advanced processes;

Increased basic research through the NSF and other research organizations.

The resource development initiative is designed to develop our nation's energy, agricultural, metallurgical and other natural resources.

The education and training initiatives, accounting for roughly two-thirds of the funds in the amendment, aim to restore the nation's historic commitments to our children's future and a skilled and flexible labor force. The amendment would:

Invest in skills critical to our growing and changing economy including math, science, and foreign language programs;

Ensure a quality education for the children most at risk—those 14 million growing up in poverty; more will be invested in suc-

cessful programs with proven track records, such as Head Start, compensatory education and Pell grants, as well as new public/private partnership, demonstration, and educational excellence initiatives;

Combat adult illiteracy and growing high school dropout rates;

Reaffirm our commitment to training dislocated and disadvantaged workers by increasing participation in current, successful programs and establishing pilot programs to develop new approaches.

DEMOCRATIC GROWTH AND INVESTMENT INITIATIVE

(Increases over SBC resolution, in billions of dollars)

	1987	1988	1989	1987-89 total
<b>Investments in science and technology:</b>				
Advance basic science (F. 250):				
Budget authority.....	0.3	0.4	0.6	1.3
Outlays.....	.2	.3	.5	1.0
Develop innovative technologies:				
Health (F. 550):				
Budget authority.....	.3	.7	1.0	2.0
Outlays.....	.2	.5	.8	1.5
Industry and commerce (F. 370):				
Budget authority.....	.2	.2	.2	.6
Outlays.....	.2	.2	.2	.6
Subtotal:				
Budget authority.....	.8	1.3	1.8	3.9
Outlays.....	.6	1.0	1.5	3.1
<b>Investments in resource development:</b>				
Energy (F. 270):				
Budget authority.....	.3	.3	.4	1.0
Outlays.....	.2	.2	.3	.7
Agriculture (F. 300/350):				
Budget authority.....	.3	.3	.4	1.0
Outlays.....	.3	.3	.3	.9
Other natural resources (F. 300):				
Budget authority.....	.1	.2	.4	.7
Outlays.....	.1	.2	.3	.6
Subtotal:				
Budget authority.....	.7	.8	1.2	2.7
Outlays.....	.6	.7	.9	2.2
<b>Investments in education and training (F. 500):</b>				
Education:				
Budget authority.....	1.7	4.8	5.4	11.9
Outlays.....	1.3	2.0	4.3	7.6
Training:				
Budget authority.....	.8	3.1	3.7	7.6
Outlays.....	.5	.9	2.8	4.2
Subtotal:				
Budget authority.....	2.5	7.9	9.1	19.5
Outlays.....	1.8	2.9	7.1	11.8
<b>Grand total:</b>				
Budget authority.....	4.0	10.0	12.1	26.1
Outlays.....	3.0	4.6	9.5	17.5

WE ARE AT RISK

America does not have a guarantee to prosperity. Our economic well-being is in large part a legacy of the work and investments of earlier generations. That is a birthright that we must not squander.

Yet in the decade of the 1980's we have chosen to borrow from, rather than build for, our future. As things now stand, the federal government will increase its debt by \$1.36 trillion in the years from 1981 to 1990.

Having recognized that the budget deficit is an impediment to economic growth, we are committed to a process that will lead to a balanced budget by 1991. But already having borrowed so much from our future, it would be shortsighted to balance the budget in a way that steals even more from tomorrow. We simply cannot afford to freeze or starve programs essential for future economic growth.

The warning signs are clear. The U.S. is losing the race against our international competitors—the result will be a lower standard of living. Consider:



## SCIENCE AND TECHNOLOGY

In the last five years, the U.S. trade balance in high-technology goods has declined by more than \$20 billion;

By 1985, the number of robots installed in Japanese facilities was twice as great as the United States;

As a proportion of GNP, the U.S. spends less than any of its major trading partners on industrial research and development;

The military proportion of federal R&D was 50 percent in 1980. This would grow to 73 percent under the President's budget;

Japan graduates twice as many engineering students per capita as the United States; U.S. productivity growth in this decade has been the lowest among our major trading partners;

## EDUCATION

U.S. students scored at or below the average of nineteen other countries on a series of math achievement tests administered to 8th and 12th graders. The high school seniors fell into the lowest fourth of countries on the algebra, geometry, and the number systems tests.

Only 15 percent of American high school students study a foreign language—down from about 24 percent in 1965.

Over 27 million adult Americans are functionally illiterate, with less than 10 percent receiving remedial education each year.

## WORKFORCE

Over 11 million workers permanently lost jobs due to plant closings and layoffs between 1979 and 1984. Nearly half were employed in manufacturing industries hardest hit by foreign competition;

Yet, at most, 5 percent of those eligible to participate in training programs are being served at existing funding levels;

At least 20 percent of displaced workers lack reading and basic math skills. When they lose job-specific skills and seniority benefits, long-term earnings losses result. Among displaced workers who find reemployment, 45 percent report pay cuts.

By the year 2000, half of the workforce will be middle-aged (35-55), compared with about 35 percent today. Retraining the adult workforce will be paramount.

## RESOURCES

Each year, 264 million tons of hazardous wastes are generated with only 0.3 percent covered by Superfund;

The life expectancies of the world reserves of essential materials such as silver, lead, and zinc range from 10 to 20 years, implying rapid depletion at current demand levels;

Soil conservation losses of 5 to 15 tons per acre per year are occurring under current erosion conditions.

## MARKET OPPORTUNITIES

Market barriers to U.S. exports deprive our producers of billions in sales annually;

Seeing the success of our competitors, many developing nations are adopting a neo-mercantilist approach to trade;

Only 5 percent of world trade is subject to international trade rules.

Mr. HOLLINGS. Senator CHILES wrote us a few days ago that what he wants to do is give some \$11.9 billion more to education in budget authority. Then he adds \$1 billion for energy, \$1 billion for agriculture, \$2 billion for health, \$0.6 billion for industry and for commerce, \$1.3 billion for science, and \$0.7 billion for natural resources, and \$7.6 billion for training—for a grand total of \$26.1 billion.

This proposal adds \$17 billion more in taxes. I call the Hart-Chiles amendment the tax and tax and spend and spend amendment.

Now, this afternoon, he says we have to stop and think about the Andrews-Hollings amendment. That we have to get discipline over the budget. That have to get the budget under control. Unlike the Hart-Chiles amendment, the Andrews-Hollings amendment before you now conforms to the discipline of Gramm-Rudman-Hollings.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. MATSUNAGA. Will the Senator yield me 1½ minutes?

The PRESIDING OFFICER. The Senator from North Dakota has 1 minute remaining; the Senator from New Mexico has 2 minutes remaining.

Mr. DOMENICI. I yield 1 minute to the Senator from Illinois who requested it even though he is not in favor of my side.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1 minute.

Mr. SIMON. Mr. President, I thank my colleague from New Mexico.

I candidly have mixed feelings on this. My concern is that we are going to improve this budget resolution to death. At the same time, clearly we ought to make a greater priority of education in this country.

So, I am going to vote for the resolution. It does not suggest that our friends on the Budget Committee have not done a superb job. I think they have. But I am going to vote for it simply as an indication that this Nation has to do more to prepare for tomorrow than we are now doing, but I confess again some mixed feelings because I fear as we "improve" this resolution we may be lessening its changes for passage.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. ANDREWS. I am glad to yield to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. MATSUNAGA. Mr. President, I rise as a cosponsor to speak in favor of the amendment offered by my colleagues from North Dakota and South Carolina which would increase funding for function 500 by \$1.2 billion for fiscal year 1987.

Starting in 1983 with the issuance of the National Commission on Excellence in Education's report entitled "A Nation at Risk: The Imperative for Education Reform," there has been extensive debate in both Houses of Congress about the state of education in our country. The debate has centered on various proposals for achieving quality education but especially on the level of funding necessary for attaining and maintaining that quality.

The business before this body today requires another of our recurring visits to past discussions. Once again this body is determining the merits of a proposal to provide funding for education. Once again this body is weighing the arguments for taking such action against a background of budget deficits. Once again this body must focus foremost on that which is for the overall good of this Nation's schools and students.

Mr. President, in thinking through all of these necessary considerations, I could come to only one conclusion—this amendment deserves support. If education is truly an endeavor in which a partnership exists not only between a school and its community, but also between the community and the State and between the State and the Federal Government, then it is incumbent upon this body to demonstrate its commitment to this partnership—not merely by rhetoric, but through tangible actions. It is not acceptable for the Federal Government to pass on to the States its share of responsibility for education. It must demonstrate leadership and wisdom and accept its share of responsibility in an area so full of promise—the promise of young minds with the hope of new endeavors.

In determining whether or not adoption of this amendment adequately reflects fiscal restraint, I can only emphasize that the amendment merely restores funding to the current services level with an adjustment for inflation. Surely this, in and of itself, is neither excessive nor irresponsible. I believe it is only fair that the Federal Government at the very least maintain its current level of involvement and responsibility in the educational programs throughout our country. To do otherwise would be to pull away support from State and local efforts at a time when such support is most urgently needed in order to act upon projections of educational reform. We Members of Congress have repeatedly heard the administration describe the many different initiatives taken by the States to meet the challenge of providing educational quality and equity head on. Given the fact that these initiatives have barely taken root, is it really prudent for the Federal Government to cut off its current support and thereby jeopardize whatever gains may have been achieved by these new State initiatives? I hardly think so. After all, is it not extremely plausible, if not highly probable, that cuts in Federal funding may result in moneys previously targeted for State initiatives being instead diverted to offset Federal cutbacks? Then where would we be? Is such a consequence wise and efficient use of the human resources in our schools? As a one-time classroom teacher, I do not believe that

cost effectiveness in education can only be evaluated by counting dollars saved. It is high time that deliberate consideration also be given to man-hours wasted.

Finally, in considering the proposed amendment as it relates to the broader good of our Nation's schools and students, there is no question in my mind as to the gains to be made. I am, instead, gravely concerned about what impact the failure to pass this amendment would have. If failure to maintain current services results in an inability on the part of schools to serve certain groups of students or the same number of students, and it may, or if failure to pass this amendment results in a decrease in the kinds or amount of services provided to students, and again it may, then the need to pass the amendment offered by the Senators from North Dakota and South Carolina is even further underscored. How can the Members of the U.S. Senate, in good conscience, deny to these students their access to a quality education? Once again, I return to my comment on the irretrievable losses of time spent and effort made by teachers and others in trying to meet the needs of the child in the classroom. As a former public school teacher and father of five I know that maintenance of effort is crucial to every child's rate and level of achievement. Therefore, if quality education is indeed the goal that is sought by Congress—and it should be—I believe that the only reasonable and responsible action that this body can take is to support the pending amendment.

Mr. ANDREWS. Mr. President, I yield 30 seconds to the Senator from Connecticut.

Mr. WEICKER. Mr. President, what this finally boils down to is that the advocacy of education does not rest with the Secretary of Education, except, perhaps for his advocacy of bilingual education. Advocacy of education is not up to the Budget Committee. It is this body that has to speak to the advocacy of education as a matter of national priority.

That is what is at issue here, not the Budget Committee, not the Secretary of Education, but each individual Senator saying, yes, in the course of the overall budget, education now deserves an emphasis which has been lacking over the past several years.

The PRESIDING OFFICER. All time has expired on the side of the proponents.

Mr. ANDREWS. Mr. President, I have 30 seconds left. We had 1 minute and 15 seconds. I made a unanimous-consent request. I yielded 30 seconds. So we should have 45 seconds remaining.

Mr. ABDNOR. Mr. President, I am pleased to join with Senators ANDREWS and HOLLINGS in sponsoring this very

necessary amendment to the budget resolution (S. Con. Res. 120).

Mr. President, I am, no doubt, viewed as one of the more fiscally conservative members of this distinguished body. I do not apologize for being concerned about the Federal deficit. We must work together to ensure that our children and our grandchildren are not burdened with our debts.

We must also provide our children with a quality education. As a former schoolteacher, I can assure my colleagues that a dollar spent wisely on the education of our youth is an invaluable investment in our Nation's future.

Mr. President, in my State the vast majority of those who pursue a post-secondary education rely upon Federal financial aid. Without adequate funds for these important programs, many students in South Dakota and across the Nation will be denied access to a college education or vocational training. Additionally, programs which serve to assist disadvantaged students [TRIO] and developing institutions will suffer if we fail to adopt this amendment. Surely we cannot deny our young people the opportunity to realize their hopes and dreams for a bright and promising future.

As my colleagues know, I have long been an outspoken proponent of the impact aid program. Our Nation's federally impacted schools, particularly those which are heavily impacted with military dependents or Native American children, whose parents do not contribute to the local tax base, can ill afford any reductions in funds. Certainly the Federal Government has an obligation to reimburse local school districts that are unable to generate sufficient revenues due to Federal activity.

Mr. President, there are a number of other vital education programs which are provided for through this amendment, including Chapter 1 compensatory education, chapter 2 ECIA [Education Consolidation and Improvement Act], vocational education, and handicapped education. I commend the distinguished Senators from North Dakota and South Carolina for developing this sensible and well-balanced amendment. I urge our colleagues to join in supporting the amendment.

Mr. SPECTER. Mr. President, I am pleased to be an original cosponsor of the Andrews amendment to increase education funding by \$1.2 billion in fiscal year 1987. Our amendment restores funding for the basic education programs to current services—a freeze on the fiscal year 1986 appropriation plus inflation. This amendment would insure that services and aid to students would not be reduced from current levels, recognizing that Federal education programs are essential to the collective educational needs of our

nation's students and should, therefore, be protected from further cuts.

Mr. President, in my view, Federal education programs have absorbed their fair share of budget cuts in recent years. Between fiscal year 1980 and the fiscal year 1986 actual appropriation, all Federal spending grew by 65.9 percent. During this same period, Federal funding for all elementary and secondary education programs except vocational education, chapter I, and education for the handicapped declined in actual dollars.

Because funding has not kept up with the inflation, approximately 600,000 fewer students are being served by chapter I in the 1985-86 school year than were being served in 1980-81. Between 1980-86, the Federal share of education of the handicapped fell from 12 to 7 percent, even though the original Federal commitment was to provide 40 percent of the funding by 1980. Clearly, education has not added to the Federal deficit and should be allowed to keep pace with inflation.

The Senate Budget Committee Budget Resolution sets the function 500 funding level at \$30.8 billion, which is essentially an across-the-board freeze on the fiscal year 1986 actual appropriation. The budget resolution also contains a \$100 million cut in chapter II funding. Our amendment would restore the funding for Federal education programs at the fiscal year 1986 current services appropriated level. With current services funding maintained, States will be able to continue to serve those children who are already participating in a Federal education program. Current services funding for chapter I is particularly important. Although the number of disadvantaged children has increased by 2.2 million since 1980, only 40 percent of the eligible chapter I children are currently being served.

In increasing function 500 by \$1.2 billion for education programs, we are placing education in a high priority position. Our amendment can make the difference between whether millions of Americans continue to have access to federally supported education programs or whether they lose access to educational opportunity.

The strength of our Nation rests in its people, and we cannot strengthen the Nation without investing in the human infrastructure. As we consider this amendment, let us keep in mind that if the United States wants to maintain its position as the greatest nation in the world, if we are to keep pace with modern industrial nations like Japan, and West Germany, if we are to keep pace with the Soviets, we must make realistic expenditures on our greatest capital asset, our most important domestic defense weapon—an educated citizenry.



I urge my colleagues to vote in favor of the Andrews-Hollings-Specter amendment.

Mr. BOREN. Mr. President, I am pleased to join with Senator ANDREWS and HOLLINGS and my other colleagues in supporting an amendment to begin to restore vital funding to our educational system.

It is frightening to imagine that over the last 5 years, while we have seen 163 percent funding increase in the amount of foreign aid, we have withstood a drastic 23 percent cut in the education function. How can a Nation so dependent on the vital need for human resource development, be so negligent of its obligation to the investment necessary to insure that development?

I proudly join in this effort to redesignate this funding priority to education as a first step in redefining that priority and putting a renewed emphasis on this Nation's economic and technological leadership. As we see ourselves lose markets to foreign competitors, we should realize the need to protect our future and work to insure a continued growth in the standard of living for ourselves and our children.

I applaud the leadership of the two principal sponsors of this amendment and have cosponsored and support it wholeheartedly.

Mr. ROCKEFELLER. Mr. President, I rise to urge my colleagues to support this amendment. A fundamental decision is now before us—will we invest more in the education of our young people to equip them with the skills, knowledge, and motivation they will need as America's next generation of leaders and workers? Or will we risk undermining that future through inadequate funding and neglect?

This amendment would add \$1.2 billion to education programs in the Domenici-Chiles budget plan—just enough money needed to freeze education funding and provide an adjustment for inflation. In other words, the amendment sustains last year's level of support for a range of critical education programs—including assistance to our local schools, an effort to upgrade math and science classes, vocational education, student loans and grants, and teacher training in key fields.

As pointed out by the authors of this amendment, Senators HOLLINGS and ANDREWS, funding for education in real dollars has significantly decreased in the past 5 years. This has happened against a backdrop of increasing problems in our educational system and the state of our economy, all suggesting that we should have been doing the reverse with education funding.

One of the most compelling warnings was sounded 3 years ago by the President's National Commission on Excellence in Education: "Our Nation is at risk. Our once unchallenged pre-

eminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world." The commission placed much of the blame on our country's educational system. Indicators of the Nation's risk which are now well known include a steady decline in our students' testing scores, particularly in math and science, an increasing rate of illiteracy among adults and teenagers, and a drop in the ranking of American students in comparisons of student achievement among industrialized nations. As a study led by major U.S. corporations recently pointed out, Japanese students spend more time in class than their American counterparts; by the time they graduate from high school, they have completed the equivalent of a second year at a good American college.

We cannot afford anything but a first-rate educational system. Today's young people must be trained and educated to make the adjustments to the new world economy. Their task will be enormous, as we can see by looking at the country's present economic situation. Fully 70 percent of the goods we produce compete with merchandise from abroad. We have lost half the jobs in the U.S. steel industry, given up a significant share in the market in all high technology or sunrise industries, and allowed a trade deficit to form between our electronic sales and Japan's that is close to the magnitude of our deficit in autos. These trends are especially disturbing when one recalls the Bureau of Labor Statistics projection, released in 1984, of a shortage of workers in occupational fields requiring higher entry-level skills by the 1990's.

Another Presidential commission, focusing on industrial competitiveness, drew the conclusion that must be acted upon. It said: "Our ability to compete internationally faces unprecedented challenge from abroad. Our world leadership is at stake, and so is our ability to provide for our people the standard of living and opportunities to which they aspire."

Fortunately, the American people are responding by pushing for reform of our educational system. Across the country, States have made the commitment to upgrade curricula, teacher certification standards, school buildings and equipment, and many other aspects of their schools. But they need and desire leadership and resources from the Federal Government. As a Nation, we are not going to make the leaps fast enough which are necessary to prepare our young people for the demands of the future unless we increase support for more in education programs.

We all remember the Federal Government drive to emphasize education in response to Sputnik in the late 1950's—a drive that propelled the in-

novation and the prosperity of the 1960's. Isn't now the time to mobilize again? In my view, Congress must focus on education as one of its highest priorities—the financial resources must be committed to vastly improve and modernize the teaching and training of America's young people.

This amendment would provide a modest amount of funding to move in this direction—not enough, I would argue, to make the improvements needed to meet the challenges ahead. But it is a step in the right direction, and will help to build momentum for a national effort to bring excellence into our schools. The key to America's economic resurgence is education. Either we invest now or we will pay the price all too soon.

Mr. LEAHY. Mr. President, in recent years funding for basic education in real dollars has declined. This amendment, which I am proud to cosponsor, will restore funding for basic education to last year's current services level—a freeze at last year's appropriation plus inflation.

Programs strengthened by this amendment include education for the handicapped, vocational and adult education, and compensatory education for the disadvantaged and much more.

With more families falling into poverty and an increasing number of young people without the basic skills to get and hold down jobs, it is clear to me education is one place we cannot afford to cut back.

Whether we talk about productivity in manufacturing and business, national security or international relations, new challenges in technology or the need for new leadership skills in social and domestic policy matters, education is the key to finding the answers to problems we face now and in the future.

I can think of no investment of our resources which carries the promise of so rich a return as the investment in education.

Mr. President, the amendment to restore \$1.2 billion in educational programs represents an investment in our future. Like any investment, there is some cost involved. But that cost of \$1.2 billion is a small price to pay for an educated and enlightened America.

The amendment directs the Finance Committee to find \$1.2 billion in revenues to offset this important investment in education, so that it will not add to the \$200 billion budget deficit.

The chairman of the Senate Finance Committee and virtually all of its members have stated that any revenues raised to reduce the deficit would not be derived by increasing individual taxes. I also oppose outright any increase in individual taxes to raise the necessary funds to finance this amendment and I encourage the Finance

Committee to raise the needed revenues either through a minimum corporate tax or effects to increase tax compliance.

Mr. President, more than 200 of our largest, most profitable corporations paid less in taxes last year than the average Vermont family. In fact, the Boeing Corp. and Dow Chemical received \$13.6 and \$18.5 million refunds, respectively.

Mr. President, I ask unanimous consent that a list of corporations that pay no Federal income taxes be printed at this point in the RECORD.

There being objection, the list was ordered to be printed in the RECORD, as follows:

#### COMPANIES THAT PAID NO INCOME TAX

[The following chart lists 50 American companies that paid no Federal income tax or received refunds from 1981 through 1984, according to a recent survey of 275 companies by Citizens for Tax Justice. Total profits and tax refunds for that period are in millions of dollars.]

Company	Profit	Tax refund	Tax rate (percent)
Boeing Co.	\$2,099.0	\$285.0	-13.6
Dow Chemical Co.	972.0	180.0	-18.5
ITT	815	177.7	-21.8
Tenneco	3,401.0	166.0	-4.9
Pepsico	1,798.7	135.8	-7.6
Santa Fe Southern Pacific Corp.	2,309.0	133.4	-5.8
General Dynamics	1,579.5	103.8	-6.6
General Electric	9,477.0	98.0	-1.0
Transamerica Corp.	748.6	93.6	-12.5
Texaco	1,819.0	68.0	-3.7
Ashland Oil	336.1	62.0	-18.5
Hutton (E.F.) Group	372.5	59.6	-16.0
Weyerhaeuser Co.	929.2	59.1	-6.4
Georgia Pacific Corp.	783.0	59.0	-7.5
IC Industries	534.7	55.4	-10.4
Northrop Corp.	416.8	46.4	-11.1
First Executive Corp.	444.2	44.2	-10.0
International Minerals and Chemical	371.6	43.7	-11.8
Mitchell Energy and Development Corp.	458.7	41.1	-9.0
Dupont	4,075.0	40.0	-1.0
Mellon Bank Corp.	544.7	32.8	-6.0
International Paper Co.	1,136.3	32.6	-2.9
Ohio Edison Co.	1,524.4	31.8	-2.1
Scott Paper Co.	594.6	30.5	-5.1
Philadelphia Electric Co.	1,892.5	30.3	-1.6
Panhandle Eastern Corp.	1,220.7	28.8	-2.4
Union Carbide	892.0	26.0	-2.9
Piedmont Aviation	169.0	25.4	-15.0
Tesoro Petroleum	124.3	22.5	-18.1
Harris Corp.	307.6	19.5	-6.3
Allied Corp.	693.0	17.0	-2.5
Columbia Gas System	1,147.1	15.9	-1.4
Northern Indian PSC	792.5	14.6	-1.8
Arizona Public Service Co.	1,278.4	14.1	-1.1
Singer Co.	194.2	11.6	-6.0
Sun Chemical Corp.	103.2	10.4	-10.1
Greyhound Corp.	419.9	10.4	-2.5
Centex Corp.	264.4	10.2	-3.9
Pennsylvania Power and Light Co.	1,362.9	10.0	-0.7
Xerox	1,122.7	9.2	-0.8
Southwest Airlines Co.	213.0	8.1	-3.8
Comecra	135.3	7.1	-5.3
Dun and Bradstreet Corp.	967.0	6.7	-0.7
Ogden Corp.	251.5	5.6	-2.2
Jim Walter Corp.	361.7	4.1	-1.1
International Multifoods	43.9	3.2	-7.3
Burlington Northern	2,799.2	1.1	-0.0
Tyson Foods	69.1	1.0	-1.4
Grumman Corp.	653.4	.0	-0.0
Lockheed Corp.	1,670.9	.0	-0.0

Compiled by James Schwartz—the Washington Post.

Mr. LEAHY. Mr. President, this cannot go on. The Senate Finance Committee ought to report a minimum tax to ensure that these corporations pay their fair share of taxes. As part of the Hollings budget freeze, I was pleased to cosponsor a minimum tax that would raise \$15 billion from corporations that previously avoided paying taxes. It can be done. Out of a sense of fairness, it must be done.

Finally, Mr. President, last year the Internal Revenue Service reported that up to \$92 billion in revenues could be raised simply by collecting taxes owed to the Federal Government. It makes far more sense to increase efforts to collect back taxes from those who have skirted their responsibilities than raising individual taxes. I urge the Finance Committee to follow the lead that Senator KERRY and I took in offering a successful amendment to Gramm-Rudman-Hollings calling for an annual report on the progress of the Internal Revenue Service's efforts to increase tax compliance.

No American should be asked to pay a single cent more in Federal income taxes, when so much revenues remains uncollected and so many profitable corporations avoid paying their fair share of taxes.

Mr. MITCHELL. Mr. President, I rise today in support of the amendment being offered by Senators ANDREWS, HOLLINGS, myself and many others, to increase funding for function 500 by \$1.2 billion.

Under this amendment we will restore current services for all education programs. Current services represents the fiscal year 1986 appropriations level plus 5.7 percent for inflation.

I am committed to reduce the enormous budget deficit. However, I strongly disagree with those who would do so primarily by reducing funding for basic education programs which provide the foundation for an educated citizenry.

Since 1980, funding for education in real dollars has declined by approximately 16 percent. During the same period defense spending has increased by 38 percent. The defense of our Nation depends not only on weapons, but upon an informed and trained people. Young men and women in the Armed Forces without the mathematical and technical skills to understand and operate complicated equipment will not contribute to the Nation's defense.

This amendment will restore funding to a number of vital education programs including title I, which serves students from low-income families, the TRIO programs, such as Upward Bound, which provide important outreach, counseling and tutoring services to encourage low income disadvantaged students to enter and complete college.

The amendment will also restore funding for vocational education. In the President's fiscal year 1987 budget, vocational education was cut by nearly 50 percent. This program has been an important one in my home State of Maine. Many students, who might not otherwise continue a post-secondary education, have benefited greatly by the availability of vocational educational programs in Maine.

Finally, the Andrews-Hollings amendment will increase funding for the Pell grants. The \$221 million provided in this amendment for Pell grants will allow an additional 442,800 students to receive educational awards in fiscal year 1987. We must not abandon college students from low- and middle-income families at a time of rapidly escalating tuition costs.

Mr. President, the Federal Government must continue its historic support of public education. Access to education for all students regardless of economic circumstances is one of the greatest legacies of this Nation. Children of immigrants with no education have had an opportunity to study and learn and achieve whatever goals they have set for themselves. We must continue to provide that opportunity for future generations of American children.

Mr. CHAFEE. Mr. President, I am pleased today to support the Andrews-Hollings amendment, restoring \$1.2 billion to the education budget for fiscal year 1987. I support this amendment because I believe that adequate funding for education programs must remain a high priority of the Federal Government.

Since 1980, total Federal spending has grown by 65 percent. Yet, during the same period spending for education programs, including programs serving the most needy, has declined in real dollars. This record indicates to me that we in Congress may be forgetting what is truly important in terms of Federal investment. It is troubling to see that year after year the Federal budget includes wasteful, inefficient programs which do little more than sap the taxpayers' dollars, while we reduce our assistance to the Nation's schools.

What could be more important than maintaining a strong education system? The future of the United States is in the hands of the Nation's educators, and I want to ensure that they continue to have the resources necessary to train and shape the minds of our children. That is what this amendment seeks to do. Under this amendment, a principal will not be forced to cut back on salaries, reduce his teaching staff, or decide that he simply cannot afford new textbooks because of a shrinking budget.

As we have tried in recent months to address the budget crisis, we have heard a great deal of talk about priorities. The Gramm-Rudman-Hollings legislation was passed with the conviction that it would force us, at long last, to sit down and decide what really matters to us in the Federal budget and what we can do without. I believe, Mr. President, that there is still a lot of fat in the budget which we should eliminate.



It is clear to me that the choice Gramm-Rudman-Hollings is forcing us to make should include an affirmation of education's importance. The Federal budget plays a vital role in supplementing the efforts of local communities, and fine institutions of higher learning, all over the country. I know that in my State, for example, the Education for the Handicapped Program is helping people with special needs gain the same quality education as any other child. Those who administer this program, and the teachers who work with these students, make effective use of every penny they receive.

Another fine example of where this money will go is the TRIO Program, for bright high school students from disadvantaged backgrounds. TRIO programs, such as Upward Bound, have been outstandingly successful in equipping thousands of young Rhode Islanders with the skills they need to get into college, and to do well once they are there. As a final example, I would point out that this amendment will assist Federal library programs, which are included in the education budget. In addition to the important traditional services they provide to readers, our libraries are making a strong effort to fight illiteracy, which prevents millions of Americans from leading full, self-sufficient lives. I believe that as we make our difficult budget choices, these are the kinds of programs we must view as critical, and worth fighting for.

Education is about helping people make it in life. The programs which would benefit from the Andrews-Hollings amendment represent investments in people—people who will one day determine the course of this Nation, and whom we must not neglect. I am happy to vote for this amendment, and urge my colleagues to join me in supporting it.

Mr. KERRY. Mr. President, I rise as a cosponsor of the Andrews-Hollings amendment, which restores funding for basic education programs to levels which keep pace with inflation.

Over the course of the last 5 years, we have witnessed the steady erosion of Federal funding for crucial education programs. This reduction in the Federal Government's role comes at a time when State and local governments have been tightening their belts as well. I believe that it is not over-dramatization to suggest that these reductions imperil our ability to provide a viable future for our children and our grandchildren. If this trend continues, future generations may look back at the 1980's as a decade in which America began to abandon its commitment to education.

I know that all of my colleagues in this Chamber agree that we must invest in our children today if we are to see America live up to its productive

potential tomorrow. This is particularly true at a time when we are facing tougher competition from abroad. In order to remain competitive as a nation, we must have a well-educated population, and the Federal Government should continue to play an integral role in support of this education.

Let me give you some examples from my own State of Massachusetts, which owes much of its prosperity to the high quality of its many and varied educational institutions. We have benefited in the past from a strong national commitment to education on all levels. On the elementary, secondary, and vocational education level, thousands of children have benefited from Federal assistance. Chapter 1, Compensatory Education for the Disadvantaged, for example, has served numerous migrant children, handicapped, and neglected and delinquent children. Chapter 1 is one of the most effective Government programs on the books and it cannot afford to suffer any further cuts.

There are many other programs for primary and secondary education that we need to support and which have been recognized by Senators ANDREWS and HOLLINGS in this amendment. Impact aid, which provides compensation to school systems in which there is a large Federal presence, is very important to many communities in Massachusetts as well as in many other States. In addition, programs in adult and vocational education provide vital opportunities to many citizens throughout the country. These programs have just "gotten by" for the last several years and they are in need of additional funds if they are to accomplish their congressional mandate.

In higher education, there are more than 100,000 recipients of Federal financial assistance in Massachusetts. The Federal student financial aid programs have given these students, many of whom could not otherwise afford to attend college, access to higher education and consequently the opportunity to achieve their full academic potential. Moreover, it is clear that these Federal education programs, established during the 1960's and 1970's, are the single most important factor in Massachusetts' present prosperity.

The Domenici-Chiles budget resolution is the result of a strong bipartisan effort within the Budget Committee, and it provides a responsible base which many of us feel puts us in the right direction. The resolution, however, does not go the distance needed to ensure that we do not fall further behind in our commitment to education. The Andrews-Hollings amendment simply returns education funding for fiscal year 1987 to current services—a freeze on last year's level plus inflation. This amendment, therefore, represents a small, yet necessary im-

provement to the committee's budget, and a critical step toward ensuring the long-term stability of our Nation's educational system.

When I voted for the Gramm-Rudman-Hollings amendment last year, I did so in the hopes that it would force the Congress to make tough choices in order to get the massive Federal budget deficits under control. These choices must reflect the will of the American people. I know that the American people desire a strong commitment to education—to the future of our country. By adopting the Andrews-Hollings amendment, we will be displaying that commitment to the American people and reaffirming the Federal Government's role in improving our children's education. I urge my colleagues to join me in supporting this amendment.

Mr. KENNEDY. Mr. President, I join today with Senator ANDREWS and Senator HOLLINGS and 29 of my other colleagues in the Senate in offering this critical amendment to provide a vital increase in funding for Federal education programs. This amendment will add \$1.2 billion to restore the funding for basic education programs to current services and meets the deficit neutral requirement with a revenue offset. The budget resolution as reported out of committee freezes education funding at the 1986 level of appropriations. The resolution does assume a \$300 million increase for function 500 for unspecified priorities. But this does not mean that the basic education programs will receive increases.

I wish to remind my colleagues in the Senate that this amendment represents an inflation-only increase for education programs—enough to maintain those children who are currently in these programs. The \$1.2 billion will not allow for any program expansion. This increase will not enable the millions of educationally disadvantaged first graders or the many limited English proficient fifth graders to obtain the education services they need under chapter I or bilingual education because again this year there will be no Federal funding available for these programs to expand.

Year after year, President Reagan has proposed drastic reductions in Federal education programs. And year after year Congress has rejected the administration's proposals. However, Congress has not always provided the necessary funding to maintain or expand Federal education programs over the past 5 years. In real dollars, basic education programs have been cut by 15.8 percent since 1981.

We are well into the second administration of Ronald Reagan and it should be clear to every Member of this distinguished body that we cannot rely on the President to defend educa-

tion. And it is more than clear that we cannot depend on Secretary Bennett to fight for the critical resources needed to teach our Nation's young students. The time has come for the Senate to accept its responsibility for educating the next generation. By adopting this amendment today, we are reaffirming our commitment to the millions of young people across the United States who are participating in education programs supported by the Federal Government.

I would like to take a moment to remind my colleagues of the role of the Federal Government in education. We are responsible for ensuring that first graders, young adults entering junior high school, high school students, and students entering higher education have ready access to quality education and are provided an equal education. That is the charge of the Federal Government and we have not been diligent in this responsibility.

There are consequences to our inactions. Thousands of young students are dropping out of our schools. According to the National Center for Educational Statistics, 25 percent of all students who enter the fifth grade do not graduate from high school in the eighth year afterwards. The Current Population Survey shows that 16 percent of 18 and 19 years olds do not have a high school diploma nor are they currently enrolled in school. The High School Survey and Beyond tells us that 14 percent of high school sophomores drop out before the end of their senior year. Estimates of the number of adults in the United States who are functionally illiterate range from 23 to 72 million. An estimated 2.3 million persons join these ranks each year.

As a nation it is our duty to provide the best education for all our children. Well educated children grow up to be knowledgeable and skillful adults who we must depend on to strengthen our economy, to compete and prosper in an increasingly complex world, and to promote a kind and humane society.

Our goal is the maximum development of every child. It is not only morally right, but far less expensive for government to assist children in growing up whole and strong and able than to pay the bill later for children and adults who grow up with social and educational problems. Aeschylus wrote:

In the rearing of our children, we are handing on life like a torch from one generation to another.

Mr. President, I urge my colleagues to demonstrate their commitment to our young children, our next generation, by adopting this amendment.

Mr. THURMOND. Mr. President, it is being argued that a vote against the Andrews-Hollings amendment to restore \$1.2 billion in budget authority to education programs in the Senate

budget resolution is a vote against education. Yet, I have had a long history of support for education programs, and do not believe that this amendment is warranted. Similarly, the argument is that a vote against the amendment sponsored by Senator WEICKER, which would add another \$600 million in budget authority for education programs for the handicapped, is a vote against handicapped individuals. However, I have always been a supporter of these programs, and do not intend to support this amendment.

The budget resolution under consideration provides for \$32.1 billion in budget authority for programs under function 500—education, training, employment, and social services—during the 1987 fiscal year. This represents an increase of \$1.8 billion in budget authority for this function over the 1986 fiscal year. These amendments, if passed, would double the projected increase in budget authority for this function over that provided in the pending resolution. Since current law requires amendments to be deficit-neutral, it is asserted that the additional funding sought by these amendments can be provided through "unspecified revenue enhancement."

Mr. President, I firmly believe that the average American taxpayer is tired of paying such a large percentage of his or her hard-earned income in Federal taxes. The term "unspecified revenue enhancement" is merely a fancy codeword for a tax increase.

These amendments would increase the already substantial tax burden on our citizens. Since I believe that these are worthwhile programs, it is difficult to oppose additional funding for them. However, as our Nation suffers through this deficit crisis, we must make difficult decisions. We have abdicated this responsibility for too long. Consequently, the national debt today exceeds \$2 trillion.

These amendments would add funding authority beyond the increase already provided in the budget resolution before us. Furthermore, the passage of these amendments would result in a tax increase. Accordingly, I intend to vote in opposition to them.

In conclusion, the purposes of both these amendments are worthy ones, and I support the principle that more funds should be committed to these programs. However, under the current financial circumstances, I believe that it is more appropriate for the States to provide these additional funds. There is no State which is not in better fiscal condition in proportion to resources, than the Federal Government. Thus, it seems only fair, particularly during this budget crisis that States should provide a larger share of contributions to such programs. This, is especially true for education, which has tradi-

tionally been a State and local government responsibility.

Mr. BINGAMAN. Mr. President, I am pleased to be a cosponsor of the amendment offered by my colleague, Senator ANDREWS and Senator HOLLINGS, to increase funding for education. Quality education has never been more important to us than it is today, and it requires the continuing attention of the Senate. I compliment the two Senators for their leadership in generating bipartisan support for this critical need area.

The entire budget debate is a question of priorities, and many of my colleagues may disagree on the ordering of these priorities. As I have said, I support the efforts of the distinguished chairman and ranking minority member of the Budget Committee for their efforts to bring a fair and effective budget to the floor, and I will vote for the bill with modifications.

Mr. President, this is one modification I feel is absolutely essential. It is essential to a strong America. It is essential to the future of our children.

The Andrews-Hollings amendment brings education funding in line with the fiscal year 1986 appropriated amount—before sequestration—plus 5.7 percent for inflation. Function 500 of Senate Concurrent Resolution 120 will be increased by \$1.2 billion in budget authority. The amendment meets the deficit-neutral requirement with an unspecified revenue offset to be decided by the Finance Committee.

This restoration of educational funding to current services, adjusted for inflation, reflects a sensible approach to maintain our education programs at adequate funding levels and to still meet deficit reduction goals. Adequate education funding must remain a high priority. Since 1980, Federal spending in actual dollars for elementary and secondary education programs has declined by almost 40 percent. This compares with a 66-percent increase in overall Federal spending. According to some education analysts, current Federal spending on education now constitutes only 65 cents of every \$100. With the Andrews-Hollings amendment, we would increase the Federal effort by 2 cents, to a level of 67 cents for every \$100. This hardly represents a budget-busting approach. In fact, it demonstrates fiscal restraint.

Mr. President, I strongly support a Federal role in public education, especially given the continuing decline in oil and gas revenues, which, in my State of New Mexico and in other States, have traditionally funded education. Also, on a national scale, our efforts to improve U.S. competitiveness in a very competitive world economy must address the need to improve our human capital resources, particularly our educational resources.



The evidence clearly demonstrates the need to continue to upgrade our educational system. An area of particular concern to me is the growing lack of teachers in certain areas of the country and in certain high need subjects. I am also concerned with the evidence of a decline in scholarships among those going into the teaching profession. A survey conducted by the National Center for Education Information in the spring and summer 1984 showed that the number of new teacher graduates dropped 53 percent from 1973 to 1983, that enrollment in teacher education programs decreased by a third, and that persons newly admitted into teacher education decreased 44 percent. Yet, the U.S. Department of Education projects that by 1993 we will need more than 1 million new elementary school teachers and more than half a million secondary school teachers. Furthermore, based on the most recent reports from the National Center for Education Statistics and other sources, the likely subject areas of greatest teacher shortage are special education, mathematics, physical sciences, computer sciences, bilingual education, and certain foreign languages.

We must begin to recognize and deal with these statistics. Unfortunately, they just scratch the surface. We must continually enhance our educational excellence in an ever more competitive world. We can begin to make a contribution today by approving this amendment.

Mr. McCONNELL. Mr. President, with education such an important issue and with the goal of maintaining an adequate educational system primary in my mind, this vote is extremely difficult. My vote is not a vote against education. I firmly believe that we need a strong educational system at all levels. The funding of this increase for education involves raising taxes. This is not the time for a tax increase. Had the source of funding been a transfer from some other program, I might well have been able to support it.

Mr. BYRD. Mr. President, I am pleased to cosponsor this amendment.

Nothing is more critical to the future security and economic well-being of this Nation than the education of our citizens. Without a citizenry at least as well educated as citizens of other industrialized nations, we can have little hope that our future will be as prosperous as we have come to expect in America; nor can we expect that we will continue to have the ability to be the leader of the free world and the defender of democracy. It takes education—not just adequate education, but excellent education—to assure such a future for our children and this Nation.

This amendment brings funding up to a level necessary to continue to pro-

vide education services now being federally financed prior to the March Gramm-Rudman cuts.

Federal education programs certainly have absorbed their fair share of budget cuts under this administration. Between fiscal year 1980 and fiscal year 1986, actual appropriations for all Federal programs grew by roughly 65 percent. During this same time period, Federal funding for education programs, across-the-board, declined in actual dollars.

These cuts have taken their toll.

Between 1980 and 1986, the Federal share of education funding expended for handicapped students fell from 12 percent to 7 percent, even though the original Federal commitment was to provide 40 percent of the funding by 1980.

These trends hold for other Federal education programs, as well. Despite an overall increase in Federal spending in the past 5 years, education programs have not participated in this real growth. Congress has kept education from being decimated by the budget cuts proposed by the administration, but it has not been able to give education programs the funding priority which I believe they require.

The amendment now before the Senate, like the efforts in past years, continues to fund the major programs at current services levels. Further, it avoids the destructive effects that another Gramm-Rudman sequester would have on education.

The effects of the March Gramm-Rudman sequester are already being felt. I have been told by education officials from West Virginia that, as a result of those cuts, roughly 70 percent of the Pell grant students in West Virginia will see their grants affected. I have received numerous calls from officials at the elementary level telling me of the cuts in the chapter I programs in West Virginia. One county in particular, Pendleton County, faces a loss of half the teachers hired for the program in that county. We must not allow these cuts to be compounded.

This amendment totals \$1.2 billion in budget authority for fiscal year 1987, with estimated outlays of about \$250 million. Surely this a small investment that will pay enormous dividends in our future. I believe that we cannot afford to do less. I urge the adoption of the amendment.

The PRESIDING OFFICER. On the time of the unanimous-consent request, the clock was running, the Chair will state. The time of the Senator from North Dakota has expired and there are 20 seconds left on the part of the Senator from New Mexico.

Mr. ANDREWS. I ask unanimous consent to proceed for 30 seconds.

Mr. DOMENICI. Mr. President, I have to object, because I have been told we were going to vote at 3:30 and I have 20 seconds.

The PRESIDING OFFICER. Objection is heard.

Mr. DOMENICI. Mr. President, if the proponents of this amendment would have found \$300 million in outlays to cut somewhere else, \$2.9 billion in outlays which is the new taxes somewhere else in this budget, they would have had my support. We have a \$144 billion deficit.

The PRESIDING OFFICER. All time has expired.

Mr. DOMENICI. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. The Chair will state that the unanimous-consent agreement called for the vote on the amendment.

Mr. DOMENICI. Parliamentary inquiry. Did not the unanimous-consent—I do not want to make a big point out of it—but did not the unanimous-consent agreement say we would vote at 3:30?

The PRESIDING OFFICER. On the amendment.

Mr. DOMENICI. I withdraw my request.

Mr. ANDREWS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 1798. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER] and the Senator from Florida [Mrs. HAWKINS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 77 Leg.]

#### YEAS—60

Abdnor	Eagleton	Matsunaga
Andrews	Ford	Melcher
Baucus	Glenn	Metzenbaum
Bentsen	Gore	Mitchell
Biden	Gorton	Moynihan
Bingaman	Grassley	Murkowski
Boren	Harkin	Packwood
Bradley	Hart	Pell
Bumpers	Hatfield	Pressler
Burdick	Hefflin	Pryor
Byrd	Heinz	Riegle
Chafee	Hollings	Rockefeller
Cohen	Inouye	Sarbanes
Cranston	Kasten	Sasser
D'Amato	Kennedy	Simon
Danforth	Kerry	Specter
DeConcini	Lautenberg	Stafford
Dixon	Leahy	Stennis
Dodd	Levin	Stevens
Durenberger	Mathias	Weicker

#### NAYS—38

Armstrong	Dole	Garn
Boschwitz	Domenech	Gramm
Chiles	East	Hatch
Cochran	Evans	Hecht
Denton	Exon	Helms

Humphrey	McConnell	Symms
Johnston	Nickles	Thurmond
Kassebaum	Nunn	Trible
Laxalt	Proxmire	Wallop
Long	Quayle	Warner
Lugar	Roth	Wilson
Mattingly	Rudman	Zorinsky
McClure	Simpson	

## NOT VOTING—2

Goldwater Hawkins

So the amendment (No. 1798) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ANDREWS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, this will be a parliamentary inquiry. There will be no further votes by previous order, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, I understand that the Senator from New York (Mr. MOYNIHAN) wants to lay down an amendment on revenue sharing. Obviously, we do not have very much time. We will not debate it on our side tonight, but in due course tomorrow we will take it up under the rules. Perhaps we can waive some time on it tomorrow, if necessary. We will be ready tomorrow to discuss it.

The PRESIDING OFFICER. The Senator from New York.

## AMENDMENT NO. 1800

(Purpose: To modify the treatment of the General Revenue Sharing Program)

Mr. MOYNIHAN. Mr. President, on behalf of Senators SASSER, BYRD, HEINZ, SPECTER, RIEGLE, JOHNSTON, PRYOR, LAUTENBERG, MELCHER, METZENBAUM, FORD, LONG, HART, GORE, KERRY, ANDREWS, DIXON, ROCKEFELLER, SARBANES, HEFLIN, INOUE, HAWKINS, BURDICK, DECONCINI, and myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York (Mr. MOYNIHAN), for himself, Mr. SASSER, Mr. BYRD, Mr. HEINZ, Mr. SPECTER, Mr. RIEGLE, Mr. JOHNSTON, Mr. PRYOR, Mr. LAUTENBERG, Mr. MELCHER, Mr. METZENBAUM, Mr. FORD, Mr. LONG, Mr. HART, Mr. GORE, Mr. KERRY, Mr. ANDREWS, Mr. DIXON, Mr. ROCKEFELLER, Mr. SARBANES, Mr. HEFLIN, Mr. INOUE, Mrs. HAWKINS, Mr. BURDICK, and Mr. DECONCINI, proposes an amendment numbered 1800.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 44, strike out line 9 through line 21 and insert in lieu thereof the following:

## GENERAL REVENUE SHARING

SEC. 3. Upon the enactment of—

(1) legislation authorizing budget authority of up to \$4,600,000,000 annually for the General Revenue Sharing program for any or all of the fiscal years 1987, 1988, and 1989, and

(2) legislation increasing revenues for any fiscal year for which outlays are to be made under such budget authority by an amount that is—

(A) not less than the amount of the outlays to be made for such fiscal year under such budget authority, and

(B) in addition to the amounts of increased revenues required to be reported pursuant to section 2 of this concurrent resolution for such fiscal year,

the authorized amounts of budget authority and outlays for such program shall be allocated to the Senate Committees on Appropriations and Finance, as appropriate, for such fiscal year, and such amounts shall be added to the total amounts of budget authority and outlays provided for in the applicable concurrent resolution.

Mr. MOYNIHAN. Mr. President, I yield the floor with the understanding that this amendment will be the first order of business when we return to the bill.

The PRESIDING OFFICER. The Senator is correct.

Mr. BINGAMAN. Mr. President, I would like to offer my strong support for the budget resolution that is before us today.

I also wish to compliment the work of all my colleagues on the Budget Committee whose product we are now considering. In particular, the efforts of the distinguished chairman, Senator DOMENICI, and the distinguished ranking minority member, Senator CHILES, deserve special recognition. This has truly been an historic and herculean effort to achieve a bipartisan budget compromise. It has my support, and I think it is worthy of the support of all my colleagues.

It is unfortunate and unwise that the President has thus far withheld his support for the resolution and has refused to bargain to reach a new compromise. Instead he has chosen to stand at a distance and criticize the budget resolution while letting the deficit continue to mount.

It is critical to the Nation and all American people that we act to rein in the deficit. According to existing Congressional Budget Office assumptions the deficit for fiscal year 1987 will be \$182.7 billion. Without any action this deficit will surely grow to exceed the \$200 billion-plus deficit we reached last year. The lesson we haven't seemed to learn is that not only are the existing budget procedures not self-enforcing but that as we fiddle, Rome burns and the deficit rises higher.

We now have before us a realistic and workable compromise which does call for effective action to reduce the

deficit—by \$38.8 billion, to \$143.9 billion. This meets the Gramm-Rudman-Hollings target of \$144 billion and eliminates the need for a \$16-billion sequester required by the President's budget. It does this by holding the line on defense spending at \$295 billion, keeping it at zero percent real growth. It does cut some \$17 billion from domestic spending, but far less drastic than the President's budget, adding back approximately \$4 billion in previously called for cuts. It provides full cost-of-living adjustments for Social Security, Federal civilian and military retirees as well as other index programs. Still, total spending under the plan is reduced by \$4 billion below the President's plan. Revenues would be increased by \$19 billion, but this is to be done without any increase in individual taxes. The revenues would be decided upon by the Finance Committee and could easily be accomplished with a minimum corporate tax or an oil import fee.

Mr. President, this plan is a fair and workable compromise. It is far more effective in reducing the deficit than the President's plan, and it most equitably distributes the burdens of deficit reduction. It also avoids the sequestering mandated by Gramm-Rudman-Hollings. Most importantly, it adds back resources for a number of critically important spending areas, including research and development, education, energy, environment, Medicare, and more.

It is imperative that we act now on this resolution in a bipartisan way to show Senator leadership and concern in this issue. I believe that with some minor changes the resolution will effectively and fairly reduce the deficit. It recognizes the fiscal situation that confronts us and it proposed a realistic solution. It has my support and it deserves the support of the President, the American people, and each of my colleagues.

Thank you Mr. President.

## ROUTINE MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business for the remaining 4 minutes until 4 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE CALENDAR

Mr. DOMENICI. Mr. President, I would like to inquire of the minority leader, in behalf of the majority leader, if he is in a position to confirm the following nominations on the Executive Calendar: No. 756, Kenneth L. Ryskamp, of Florida, to be U.S. district judge for the southern district of Florida, and Calendar No. 757, Joe D.



Whitley, of Georgia, to be U.S. attorney for the middle district of Georgia.

Mr. BYRD. Mr. President, those two nominations have been cleared on this side of the aisle. We are ready to proceed.

Mr. DOMENICI. And Foreign Service nominations placed on the Secretary's desk beginning with Marshall D. Brown, and ending Robert A. Riccio.

Mr. BYRD. Mr. President, those nominations likewise have been cleared on this side.

#### EXECUTIVE SESSION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now go into executive session to consider the nominations just identified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### THE JUDICIARY

Kenneth L. Ryskamp, of Florida, to be U.S. district judge for the southern district of Florida.

#### DEPARTMENT OF JUSTICE

Joe D. Whitley, of Georgia, to be U.S. attorney for the middle district of Georgia.

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE FOREIGN SERVICE

Foreign Service nominations beginning Marshall D. Brown, and ending Robert A. Riccio, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 12, 1986.

#### STATEMENT ON THE NOMINATION OF KENNETH L. RYSKAMP, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

(By request of Mr. DOLE, the following statement was ordered to be printed in the RECORD at this point:)

● Mrs. HAWKINS. Mr. President, I would like to ask my colleagues to join me in supporting Mr. Kenneth Ryskamp, who has been nominated by President Reagan to serve as U.S. district judge for the southern district of Florida. His nomination was unanimously approved by the Senate Judiciary Committee. Kenneth Ryskamp will bring to this judicial post an excellent combination of personal qualities, educational background, and legal expertise.

Kenneth Ryskamp approaches this judicial post prepared to address the vital issues confronting our country today. His extensive legal clients include liability insurance companies, the Federal Home Loan Bank Board, Federal Savings and Loan Insurance Corporation, an educational institution, and title insurance companies. Time and again, he has participated in litigation defending our constitutional

rights. With his specialization in the areas of appellate practice, commercial litigation, railroad law, and real estate, he knows Florida's needs and problems as they relate to Federal law.

Kenneth will serve the southern district of Florida, a most unique district. This district has the heaviest judicial caseload in the country, and experience such as Kenneth's is vital to adequately serving the people of the area. Having practiced law for most of his career in Florida, he knows the complexities of those issues unique to Florida, such as our delicate environment and our extremely high growth as a State. Florida tends to attract perpetrators of fraud, such as the recent GIC Securities which declared bankruptcy and left thousands of senior citizens without a penny of their invested savings. Kenneth's past experience in these and other areas has prepared him for a judicial appointment.

Kenneth has built a reputation in the Miami area and beyond as an outstanding lawyer. He and his wife, Karyl Sonja Honsey, moved to Miami from Michigan in 1953, and they have contributed to the Miami community since that time. I am pleased to recommend Kenneth to you, Mr. President. He will be a tremendous asset to our Federal judiciary. ●

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the following Senators as members of the Senate delegation to the Mexico-United States Interparliamentary Group Meeting, to be held in Colorado Springs, CO, on May 29-June 2, 1986: The Senator from Nebraska [Mr. ZORINSKY], the Senator from Arizona [Mr. DECONCINI], the Senator from Utah [Mr. HATCH], the Senator from Georgia

[Mr. MATTINGLY], and the Senator from New Mexico [Mr. BINGAMAN].

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 1928a-1928d, as amended, appoints the following Senators as members of the Senate delegation to the North Atlantic Assembly Spring Meeting, to be held in Luxembourg City, Luxembourg, on May 22-June 1, 1986: The Senator from Missouri [Mr. EAGLETON], the Senator from Maryland [Mr. MATHIAS], the Senator from Texas [Mr. BENTSEN], the Senator from Idaho [Mr. MCCLURE], the Senator from Utah [Mr. HATCH], and the Senator from Alabama [Mr. HEFLIN].

#### AUTHORIZATION FOR TESTIMONY AND REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. DOMENICI. Mr. President, in behalf of the majority leader, I send to the desk a Senate resolution regarding legal counsel.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A Senate resolution (S. Res. 387) to authorize testimony by Senate employee and representation by the Senate Legal Counsel in *In Re Possible Violations of 18 U.S.C. 1001*.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, the U.S. Department of Justice has subpoenaed an employee of the Committee on Commerce, Science, and Transportation, Mr. David F. Zorensky, to assist it by testifying before a Federal grand jury in the U.S. District Court for the District of Columbia investigating possible false statements in violation of 18 U.S.C. section 1001. The information sought from Mr. Zorensky was acquired in the course of his work for the committee relative to other individuals and in no way involved his own conduct.

This resolution would authorize Mr. Zorensky to testify before the grand jury and in any subsequent proceedings in this matter, except concerning anything privileged. This is in keeping with our practice of facilitating justice consistent with the privileges and rights of the Senate. The resolution would also direct the Senate legal counsel to represent Mr. Zorensky in this matter.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 387) was agreed to. The preamble was agreed to.

The resolution, with its preamble, is as follows:

## S. RES. 387

Whereas, a Federal grand jury in the United States District Court for the District of Columbia is currently investigating possible violations of 18 U.S.C. 1001;

Whereas, counsel for the United States has served a subpoena for the taking of testimony upon David F. Zorensky, a member of the staff of the Committee on Commerce, Science, and Transportation;

Whereas, pursuant to sections 703(a) and 704(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a) (1982), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena or order relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony of employees of the Senate concerning information acquired in the course of their official duties is needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistent with the privileges and rights of the Senate: Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is directed to represent David F. Zorensky in connection with his testimony in *In Re Possible Violations of 18 U.S.C. § 1001*.

SEC. 2. That David F. Zorensky is authorized to testify before the grand jury and in any subsequent proceedings in *In Re Possible Violations of 18 U.S.C. § 1001* (D.D.C.), except concerning matters for which a privilege from testifying should be asserted.

Mr. DOMENICI. I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### RECOGNITION OF THE NATIONAL GUARD AND RESERVE

Mr. WILSON. Mr. President, in order to avert a truly unintended disaster, I ask unanimous consent that the Senate turn to calendar item 611, House Joint Resolution 220, dealing with the National Guard Reserve. This item has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, this item has been cleared on this side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 220) to reaffirm Congress' recognition of the vital role played by members of the National Guard and Reserve in the national defense.

Without objection, the Senate proceeded to consider the joint resolution.

## AMENDMENT NO. 1799

Mr. WILSON. Mr. President, I send an amendment to the desk on behalf of Senator GOLDWATER and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mr. WILSON], for himself and Mr. GOLDWATER, proposes an amendment numbered 1799.

Mr. WILSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the joint resolution add the following new section:

"SEC. 2. EXTENSION OF DEADLINE RELATING TO OBLIGATION OF FUNDS FROM MILITARY PERSONNEL ACCOUNTS OF THE DEPARTMENT OF DEFENSE.

"Notwithstanding any other provision of law, until, but not after, June 1, 1986, obligations from the Department of Defense military personnel accounts may exceed a rate in excess of the rate required to limit total obligations to the obligation ceilings established by law for such accounts for fiscal year 1986."

Mr. WILSON. Mr. President, this amendment simply states that notwithstanding other provisions in the law, and most notably an amendment added to the appropriations bill last year, there now be permitted to the Department of Defense authority to expend from its current military personnel accounts at a rate in excess of the rate required to limit total obligations to the obligation ceilings established by law for such accounts for fiscal year 1986.

The reason for this is we are facing a deadline we cannot meet, Mr. President. The House is about to go out. The President is going to Japan. There has to be a signature on this piece of legislation before May 1 to avoid the necessity that will otherwise exist for the Pentagon to lay off half a million men from the armed services.

Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1799) was agreed to.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (H.J. Res. 220) as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Page 2, after line 13, insert:

#### SEC. 2. EXTENSION OF DEADLINE RELATING TO OBLIGATION OF FUNDS FROM MILITARY PERSONNEL ACCOUNTS OF THE DEPARTMENT OF DEFENSE.

Notwithstanding any other provision of law, until, but not after, June 1, 1986, obligations from the Department of Defense military personnel accounts may exceed a rate in excess of the rate required to limit total obligations to the obligation ceilings established by law for such accounts for fiscal year 1986.

The title was amended so as to read, "A joint resolution to reaffirm Congress' recognition of the vital role played by members of the National Guard and Reserve in the national defense, and for other purposes."

Mr. WILSON. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DOMENICI. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### NATIONAL SECRETARIES' DAY

Mr. MOYNIHAN. Mr. President, here in the Senate, the crunch of daily business sometimes makes us take the people around us for granted. Today is National Secretaries Day, and, as the secretaries in the Senate (and indeed everywhere) are certainly and often taken for granted, I should like to take this occasion to pay them some attention.

Of special importance to me are the secretaries on my own staff. The demands on them are great, and the thanks they receive usually few. We don't frequently say so, but it is the simple truth that we could not function without them. My gratitude goes out today, then, to my secretaries Vicki Bear-Dodson, Julie Smith, and Loretta Shepard. They are professionals in every sense of the word, and they have my deepest appreciation.

#### FARM CREDIT LEGISLATION

Mr. BOREN. Mr. President, I read with interest the remarks by the distinguished majority leader yesterday afternoon concerning the need to pass a concurrent resolution dealing with the Farm Credit System.

I am a cosponsor of the resolution intended to be proposed by the majority leader. At least I was a cosponsor of the resolution when I received a copy of it on April 7. I understand, however, that it has changed many times since then and in fact, at one point I heard it was going to be introduced as a joint resolution instead of a concurrent resolution.

I had hoped that the majority leader would have introduced the resolution 2 weeks ago. So that the Senate Agricultural Committee could have considered the resolution and reported it out, perhaps with no amendments.



I agree with the majority leader that it is imperative that we send a clear signal to the Farm Credit System. However, I do not believe a nonbinding resolution will accomplish very much if anything. It will more than likely provide a sense of false hope to the borrowers of the Farm Credit System, because it will be more words without the power of law to back it up.

It's my understanding that Frank Naylor, the President's designated nominee to the Farm Credit Administration Board, has indicated a willingness to write regulations which would provide for maximum forbearance to Farm Credit System borrowers. That's all well and good, Mr. President, however, Mr. Naylor is not presently a member of the Farm Credit Administration Board. Further, unless the White House moves quickly and designates the Democratic nominee to the board, it could be months before the Farm Credit Administration Board is in place. I believe we all had hoped that the White House would have acted more promptly in making the appointments. We have all hoped that the board and the Capital Corporation could have been in place and operational long before now. The White House apparently has not recognized the urgent situation facing the borrowers of the Farm Credit System. Consequently, Mr. President, I don't believe we can wait for Mr. Naylor to become chairman of the Farm Credit Administration Board and implement regulations which would provide forbearance.

I believe, Mr. President, that we need statutory language requiring the Farm Credit System to provide forbearance to its borrowers and we need to consider legislation now. If we are really interested in helping the farmers in this country we will not wave a flag of false hope; rather, we will give them real hope by considering meaningful farm credit legislation.

Mr. President, I am not requesting that the majority leader agree to passing legislation I am sponsoring. I am asking the majority leader to decide whether or not farm credit assistance is important enough to be considered by the full Senate. I would be happy to offer my amendment to any vehicle he chooses.

It has been suggested that those of us interested in considering credit legislation have shown up at the last minute. The Senate has adopted two farm bills already this year, the so-called cross compliance bill and the Food Security Improvements Act. Before both bills were considered, I indicated my strong interest in offering a credit amendment to both bills. However, at the urging of the majority leader and others who were interested in seeing both of these bills passed quickly, I did not offer my amendment. I made it clear then that I

wanted farm credit legislation considered. In addition, when the majority leader first circulated his concurrent resolution, I again indicated that I wanted the Senate to have an opportunity to consider farm credit legislation. We are simply asking that a reasonable date certain be given for the Senate to consider farm credit legislation. Only in that way will a concurrent resolution dealing with farm credit be meaningful. Without subsequent action on a meaningful farm credit package, the concurrent resolution will provide no real assistance to the farmers and ranchers in this Nation. In the past on farm legislation, the majority leader and I have worked together many times.

It is time for all of us to sit down together and set up a timetable for the consideration of a farm credit package that will really help farmers. Farmers cannot make mortgage payments or restructure their debts with an armload of election year platitudes contained in resolutions without the force of law.

#### RESPONSE TO LIBYA

Mr. STEVENS. Mr. President, United States military action against Libya on April 14 serves a stern notice to all of our Nation's enemies that military forces of the United States can and will be used—if necessary—in the defense of our citizens and our interests.

In an editorial on Wednesday, April 16, the Anchorage Times compliments President Reagan for his role in strengthening the military, so it can carry out its role as an instrument of national policy. This editorial also calls on our allies to support our Nation and our President in the defense of democracy and the struggle against oppression.

Mr. President, I ask unanimous consent that the editorial in the April 16, Anchorage Times, to which I have referred, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Anchorage Times, Apr. 16, 1986]

#### RESPONSE TO LIBYA

A positive response to the attack on Libya would be expected from Alaskans. They live in a land of confrontations where they must defend their lives, liberty and property from natural and man-made enemies. They respond almost daily to oppressive situations.

Alaskans spring together when they face major issues that affect their land or their lives. During the last 100 years, they have stood together to overcome obstacles that appeared insurmountable on the land, on the sea or in the air in extreme conditions of temperature or location.

They stand their ground against intrusion or invasion by man, animals, winds, cold, rain, snow or anything else nature or mankind throws at them.

Alaskans should applaud the response to Libya's terrorism, an action that should, but

probably won't, silence the administration's critics who argue that the military is useless as a response to terrorists.

President Reagan has now proven them wrong in that claim, just as they have been proven wrong in others. He has also shown by deed as well as word that the U.S. will defend its citizens. When he says he will take specific action, he will not fail to deliver.

Perhaps the nation is now seeing the payoff from the Reagan policies of the past six years during which he strengthened the national economy by eliminating inflation, reducing unemployment, increasing production. At the same time he strengthened the military establishment so it could carry out its role as an instrument of national policy.

Alaskans were strong for Ronald Reagan when he was running for president and he has not disappointed them. He has restored the pride of the people in their nation and has been eminently successful in handling national power.

In foreign relations his first concern was about military power. He rebuilt it in his first term and became the first president since Richard Nixon who improved America's geopolitical preeminence.

In that rebuilding effort, Alaska benefited by a general strengthening and renovation of the military forces and their installations here. The Sixth Division for the U.S. Army marks the first time Alaska has had troops assigned to the defense of their state.

It is to be hoped that America's allies will recognize the effectiveness of the Reagan Doctrine and will support it.

#### MESSAGES FROM THE HOUSE

##### ENROLLED JOINT RESOLUTIONS SIGNED

At 1:59 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 215. Joint resolution providing for reappointment of William G. Bowen as a citizen regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 286. Joint resolution to designate the week of April 20, 1986, through April 26, 1986, as "National Reading Is Fun Week"; and

S.J. Res. 296. Joint resolution to designate October 16, 1986, as "World Food Day".

The enrolled joint resolutions were subsequently signed by the President pro tempore [Mr. THURMOND].

##### ENROLLED JOINT RESOLUTIONS SIGNED

At 3:02 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 214. Joint resolution providing for reappointment of Carlisle H. Hummel as a citizen regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 275. Joint resolution designating May 11 through May 17, 1986, as "Jewish Heritage Week".

The enrolled joint resolutions were subsequently signed by the President pro tempore [Mr. THURMOND].

At 3:11 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendments of the Senate numbered 1 and 2 to the bill (H.R. 3551) to amend title 18, United States Code, with respect to certain bribery and related offenses; and that the House agrees to the amendment of the Senate numbered 3 to the bill, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bill, and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 4022. An act to release restrictions on certain property located in Calcasieu Parish, Louisiana, and for other purposes;

H.J. Res. 544. Joint resolution to designate May 7, 1986, as "National Barrier Awareness Week"; and

H.J. Res. 604. Joint resolution providing for appointment to the service academies of children of members of the Armed Forces killed in the military action against Libya on April 15, 1986.

#### MEASURES REFERRED

The following joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 544. Joint resolution to designate May 7, 1986, as "National Barrier Awareness Week"; to the Committee on the Judiciary.

H.J. Res. 604. Joint resolution providing for appointment to the service academies of children of members of the Armed Forces killed in the military action against Libya on April 15, 1986; to the Committee on Armed Services.

#### MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4022. An act to release restrictions on certain property located in Calcasieu Parish, Louisiana, and for other purposes.

#### ENROLLED BILLS SIGNED

The President pro tempore [Mr. THURMOND] announced that on today, April 23, 1986, he signed the following enrolled bill which had previously been signed by the Speaker of the House of Representatives:

S. 1684. An act to declare that the United States holds certain Chilocco Indian School lands in trust for the Kaw, Otoe-Missouria, Pawnee, Ponca, and Tonkawa Indian Tribes of Oklahoma; and

S. 2319. An act to provide for the continuation of the Martin Luther King, Jr., Federal Holiday Commission until 1989, and for other purposes.

#### ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, April 23, 1986, she had presented to the President of the United States the following enrolled bills and joint resolutions:

S. 1684. An act to declare that the United States holds certain Chilocco Indian School lands in trust for the Kaw, Otoe-Missouria, Pawnee, Ponca, and Tonkawa Indian Tribes of Oklahoma;

S. 2319. An act to provide for the continuation of the Martin Luther King, Jr., Federal Holiday Commission until 1989, and for other purposes;

S.J. Res. 214. Joint resolution providing for reappointment of Carlisle H. Hummel-sine as a citizen regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 215. Joint resolution providing for reappointment of William G. Bowen as a citizen regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 275. Joint resolution designating May 11 through May 17, 1986, as "Jewish Heritage Week";

S.J. Res. 286. Joint resolution to designate the week of April 20, 1986, through April 26, 1986, as "National Reading Is Fun Week"; and

S.J. Res. 296. Joint resolution to designate October 16, 1986, as "World Food Day."

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3026. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, the cumulative report on rescissions and deferrals as of April 1, 1986; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations and the Committee on the Budget.

EC-3027. A communication from the Director of the Accounting and Financial Management Division of GAO transmitting, pursuant to law, a report entitled "Fraud Hotline—DOD Fraud Hotline: Generally Effective but Some Changes Needed"; to the Committee on Armed Services.

EC-3028. A communication from the Secretary of the Federal Trade Commission transmitting, pursuant to law, the annual report under the Fair Debt Collection Practices Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-3029. A communication from the Administrator of the General Services Administration transmitting, pursuant to law, a report on requests for relief under extraordinary emergency authority in 1985; to the Committee on Banking, Housing, and Urban Affairs.

EC-3030. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to repeal section 10 of the Fisherman's Protective Act; to the Committee on Commerce, Science, and Transportation.

EC-3031. A communication from the Administrator of AID transmitting, pursuant to law, the Agency's annual report relative to actions to increase the representation of minority group members and women in the

Foreign Service; to the Committee on Foreign Relations.

EC-3032. A communication from the Chief Judge of the U.S. Claims Court transmitting, pursuant to law, a report on its actions relative to the bill S. 413; to the Committee on the Judiciary.

EC-3033. A communication from the Secretary of Education transmitting a letter of continuing support for enactment of proposed legislation transmitted to Congress on March 12, 1985; to the Committee on Labor and Human Resources.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MATHIAS, from the Committee on Rules and Administration, with amendments and an amendment to the title:

S. Res. 374. Resolution limiting the amount that may be expended by Senators for mass mailings during the remainder of fiscal year 1986 (Rept. No. 99-285).

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

Treaty Doc. 99-9. Vienna Convention for the Protection of the Ozone Layer, done at Vienna on March 22, 1985 (with additional views) (Exec. Rept. No. 99-13).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SASSER:

S. 2358. A bill to amend title XVIII of the Social Security Act to provide for an optional part C program to furnish comprehensive, catastrophic, long-term, and preventive benefits through prepaid plans; to the Committee on Finance.

By Mr. PRESSLER:

S. 2359. A bill to amend title 38, United States Code, to establish a Veterans' Administration Readjustment Counseling Professional Fellowship Program; to the Committee on Veterans Affairs.

By Mr. CHAFEE:

S. 2360. A bill to temporarily suspend the duty on 4-chloro-2,5-dimethoxy aniline; to the Committee on Finance.

S. 2361. A bill to temporarily suspend the duty on 3-nitro phenyl-4-beta-hydroxy sulfone; to the Committee on Finance.

By Mr. GORE:

S. 2362. A bill to provide that Bell operating companies may provide information services and manufacture telecommunications equipment, subject to regulation by the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:



By Mr. DOMENICI (for Mr. DOLE (for himself and Mr. BYRD)):

S. Res. 387. Resolution to authorize testimony by Senate employee and representation by the Senate Legal Counsel in *In Re Possible Violations of 18 U.S.C. section 1001*; considered and agreed to.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SASSER:

S. 2358. A bill to amend title XVIII of the Social Security Act to provide for an optional part C program to furnish comprehensive, catastrophic, long-term, and preventive benefits through pre-paid plans; to the Committee on Finance.

##### MEDICARE PART C: CATASTROPHIC HEALTH INSURANCE ACT

● Mr. SASSER. Mr. President, I am today introducing legislation which will provide assistance to millions of older Americans desiring insurance to cover health care services for catastrophic illness and other medical services. My legislation is a companion measure to H.R. 4287, introduced in the House by Congressman CLAUDE PEPPER who is renowned for his expertise in matters affecting the elderly.

Catastrophic illness is a common occurrence among Americans. Over 6 million elderly Americans suffer from chronic heart conditions. Nearly 4 million have been stricken by Alzheimer's disease. Almost 2 million older persons experience the ravages of cancer. And 2.5 million suffer from some other form of chronic disease. Sadly, as many as 1 million Americans will be forced into poverty and onto the welfare rolls this year due to the catastrophic costs of the health care they need.

Catastrophic illness or the need for long-term care can be emotionally and financially devastating—both to the individual and to his or her family. Such unpredictable instances are the cause of needless human trauma which, at the very least, can be minimized by some form of financial security not available today at affordable rates. There is a real need for legislative action to provide security for individuals who are struck by a catastrophic illness. Indeed, there has been no less than a public outcry calling for new law.

Furthermore, Medicare beneficiaries are increasingly paying out more personal funds in order to obtain the health care services they need and which are not presently covered under Medicare. Older Americans are now paying an average of \$1,500 annually in out-of-pocket expenses for their health care. Quite frankly, the gaps in Medicare benefits, along with rising deductibles, premiums, and copayments are an increasing cause for concern among most senior citizens.

My bill remedies this situation by providing for a new Medicare part C

which would be available as an option to current and future Medicare beneficiaries who enroll in both Medicare part A and part B. The new part C would effectively plug many of the holes which exist in current Medicare coverage while eliminating the premium, deductibles, and copayments required under parts A and B. Moreover, the most important aspect of this measure is that it will, without cost to the Medicare system, provide for coverage for long-term care and catastrophic illness.

As most of my colleagues know, Medicare does not presently cover many medical services which are needed by its beneficiaries. For example, certain types of care such as hearing, vision, dental, and foot care are services which are necessary for older individuals, yet these are not covered. Further, our older citizens need to have physical examinations on a regular basis, but these, too, are not covered services. My legislation would provide Medicare coverage for these, and other, important services.

Second, by paying one premium for the Medicare part C coverage, beneficiaries would no longer be required to pay the Medicare part A deductible when they are hospitalized. Nor would they be required to pay any copayments which have invariably accompanied the delivery of health care services to Medicare beneficiaries. In essence, this legislation allows Medicare beneficiaries to pay a single monthly premium, thereby eliminating all other out-of-pocket expenses for covered services.

Most important, this new Medicare part C would cover long term care in nursing homes and at home, as well as provide extended care required for catastrophic illness. Currently, nursing home care and hospital care beyond the 60th day are presently not Medicare-reimbursable. Home care is partially reimbursed, but these payments are being reduced more and more due to administrative reimbursement changes.

Funding for the new part C of Medicare program would come from a new part C premium and beneficiary payments previously made to the part A and part B trust funds. Medicare would take competitive bids from health care providers to provide both the comprehensive benefits set forth in this bill as well as standard covered services under parts A and B. Providers would do this for a predetermined capitated rate per beneficiary. At the time of enrollment of a new part C beneficiary, a sum equal to the average annual per-beneficiary Medicare payment—regionally adjusted—would be transferred from those trust funds into the new part C fund. Medicare would then contract with the beneficiary's chosen providers which would then be paid the capitated rate: a sum

equal to the average payment for covered services under parts A and B multiplied by 133 percent. Providers would provide all the health care services covered previously under parts A and B and all new services included in this bill. For 1986, the estimated capitated rate would be about \$3,200.

The part C beneficiary is subject only to an annual premium, in monthly installments, equal to 25 percent of the national average of the capitated provider payment. This annual premium may not exceed 20 percent of the beneficiary's annual gross income from the previous year. To compensate for any lost premiums, all beneficiaries will pay premiums for a month before their coverage begins, thereby raising nearly \$7 billion, to offset any revenue foregone. For 1986, the beneficiary premium would be about \$800. Current Medicare out-of-pocket expenses plus the cost of a Medigap insurance policy—that is, currently available insurance which reimburses only for deductibles and copayments—are at this level already. Indeed, since older Americans presently pay an average of \$1,500 per year in out-of-pocket expenses for health care services, this premium represents a reduction in out-of-pocket expenses per beneficiary of about 47 percent.

Part C will also provide the opportunity for Medicare beneficiaries who are also Medicaid eligible to participate in the comprehensive capitation plan. Because part C covers catastrophic illness and long term care—services presently provided for eligible poor under Medicaid—States will be allowed to “buy in” to part C coverage by paying 90 percent of what it would have cost them to provide Medicaid coverage to their Medicaid-eligible Medicare beneficiaries. These funds from the States' Medicaid program would go into the part C trust fund and Medicare beneficiaries who are Medicaid eligible would also be served by the contracted providers.

I am hopeful that my colleagues will join me by cosponsoring this important health care legislation to establish insurance for catastrophic illness and long term care. This is a matter of great concern to our seniors, and I believe that it is time for us to act to provide security for these persons who potentially face trauma and great financial loss.

By Mr. PRESSLER:

S. 2359. A bill to amend title 38, United States Code, to establish a Veterans' Administration Readjustment Counseling Professional Fellowship Program; to the Committee on Veterans' Affairs.

VETERANS' ADMINISTRATION READJUSTMENT  
COUNSELING PROFESSIONAL FELLOWSHIP PROGRAM

Mr. PRESSLER. Mr. President, I am introducing legislation today which addresses serious unmet readjustment needs of Vietnam veterans in the area of health care.

It has been more than 10 years since the fall of Saigon. Some of the millions of Americans who served in Indochina during the Vietnam war have problems, among them alcohol and drug abuse, depression, marital problems, aggressive behavior, and arrests and convictions for criminal behavior. Many of the servicemen from that era brought home with them a haunting sickness in the form of posttraumatic stress disorder [PTSD]. PTSD has lingered among the veterans of the Vietnam war, and I believe the time is overdue to confront the problem and help the individuals who suffer from it.

When we brought our troops home from Southeast Asia, debriefing was very minimal and medical screening was usually superficial. When disturbed young veterans tried to seek professional help after stress symptoms developed, they were denied treatment by physicians and other health care personnel who were not really familiar with combat-induced stress disorders. These include depression, panic attack, excessive use of drugs and alcohol, and behavioral disturbance. Many Vietnam veterans with posttraumatic stress disorder began to avoid medical facilities, particularly those of the Veterans' Administration. Some even withdrew or sought relief in isolation with drugs and alcohol.

Thus, the earliest opportunities to detect, examine, study, and treat PTSD were all but lost. Any knowledge about treatment of similar stress casualties from World Wars I and II and the Korean war seemed forgotten. Little attention was paid to stress disorders in our postgraduate educational programs and academic centers.

In 1979, the Vets Centers system was created and veterans were hired and trained very rapidly for these centers. During the past few years the Vietnam Veterans of America have worked to ensure that all these centers are properly staffed, including at least one clinician who has a formal clinical degree and specific training in the treatment of post-traumatic stress disorder. Two basic elements are needed if these Vets Centers are to achieve their goals: First, Vets Centers must be effectively administered by persons who have the clinical skills to help Vietnam veterans or any veterans recover from PTSD; and second, each center must foster an atmosphere of trust between the Readjustment Counseling Service [RCS] personnel

at every level, and between the center and the local community.

Many Vietnam veterans returned home to hostility. They considered themselves as outcasts. The only place they could turn was to fellow veterans, and especially to those involved with the Vets Centers. So the issue of trust is vital to the success of these centers. Many outreach counselors have left the centers for a variety of reasons. Mr. President, my legislation would assure that counselors in Vets Centers have the ability to counsel, screen, and test Vietnam veterans and any other veterans who may suffer from PTSD and provide them effective therapy, readjustment, and rehabilitation for their unique medical and psychosocial readjustment problems. Costs of the legislation will be absorbed within existing VA appropriations.

It was not until the dedication of the Vietnam Veterans Memorial at Constitution Gardens in Washington, DC, that these veterans finally began to come home. I urge our distinguished colleagues to join with me in providing veterans yet another step forward in their long awaited return home.

By Mr. CHAFEE:

S. 2360. A bill to temporarily suspend the duty on 4-chloro-2,5-dimethoxyaniline; to the Committee on Finance.

S. 2361. A bill to temporarily suspend the duty on 3-nitro phenyl-4-beta-hydroxysulfone; to the Committee on Finance.

SUSPENSION OF DUTY ON CERTAIN TEXTILE  
CHEMICALS

Mr. CHAFEE. Mr. President, today I am introducing 2 bills to suspend the duty on the importation of two chemicals that are precursors used in the production of printing ink and dyes for textiles. These particular chemicals are not produced in the United States. The suspension of the duty will act to lower the overall cost of producing textiles in this country.

As we are all aware, the textile industry has been hit especially hard by imports. I want to do all I can to keep this American industry on a fair competitive footing with its foreign competition. Because our foreign competitors can print and dye their textiles without the added costs that this duty imposes, that obviously means that this duty places our domestic industry at a competitive disadvantage.

Since there is no domestic production of these chemicals to be adversely affected by a suspension of this duty, it is senseless to continue it. My bills suspend the duties on these two chemicals, 3-nitro phenyl-4-beta-hydroxysulfone—(also known as nitro sufon B)—and 4-chloro-2,5-dimethoxyaniline—also known as chlor amino base, through December 31, 1990. This will give us time to study the effect of the duty suspension on the chemical

industry to determine if we should then repeal the duty outright or continue the suspension for another period.

By Mr. GORE:

S. 2362. A bill to provide that Bell operating companies may provide information services and manufacture telecommunications equipment, subject to regulation by the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

TELECOMMUNICATIONS EQUITY ACT

Mr. GORE. Mr. President, during the 27 months following the breakup of AT&T, we have witnessed widespread customer confusion, rate hikes, federally mandated consumer access charges, major inefficiencies created by court-ordered restrictions on the regional telephone companies—all producing a serious threat to our national commitment to affordable, universally available telephone service.

Today I am introducing legislation to address many of the problems created since divestiture, especially those which have placed rural telephone customers in jeopardy.

Theoretically, the Justice Department consent decree, through the modified final judgment [MFJ], and the Federal Communications Commission, are in a position to responsibly manage the transition from a national monopoly telephone system to one with many competitive players. Theoretically, all telephone customers would benefit from new competition from new technologies and the many new businesses created by divestiture.

Instead, we have a very few winners—the surviving competitors to AT&T and major corporations with extra cash to invest in new equipment to bypass local telephone companies—and many, many losers. Those include almost all rural telephone customers and the small companies who serve them, as well as small businesses and residential telephone users who make few long distance calls.

This shift in the burden of supporting telephone service from large users to local customers has taken the form of federally mandated customer access charges. The theory is that local customers, whether or not they make long distance calls, should pay an increasing share of the cost of providing long distance service access to the competing long distance companies.

The FCC access charges, now \$1 per month for residential users, are scheduled to double, to \$2 per month on June 1. The original FCC proposal pegged these charges at \$4 per month, per line, increasing annually to \$7 per month, so it is not unrealistic to expect further federally mandated telephone rate hikes in future years.



Business customers already pay a \$4-\$6 per-month per-line charge.

Supporters of these charges claim that local customers must pay a greater and greater share of providing long distance service in order that the threat of "bypass" can be reduced. Bypass of local telephone systems has been, legitimately, cited as the No. 1 threat to universal service, as large business users abandon traditional delivery systems for cheaper options.

However, there is no evidence that the federally mandated access charges have reduced bypass at all. In fact, large business users will continue to purchase equipment and services to reduce their telecommunications costs, and small businesses and residential customers will bear the burden.

Another justification for forcing local customers to pay these access charges was that long distance charges would drop dramatically, largely because they would be able to take advantage of competitive long distance services. The problem with that view is that most rural customers do not have direct access to these competitive services. The FCC access charges are simply adding insult to injury.

My bill, the Telecommunications Equity Act of 1986, would overturn these unjustified access charges, and return the cost of providing long distance service to those who use it. The bill requires the FCC to study the effectiveness of access charges in preventing bypass and report to Congress and receive approval before imposing any further charges.

The restrictions which preclude the regional telephone companies from engaging in competitive manufacturing and information services have kept significant revenues from flowing into the local rate base, thus keeping local telephone rates artificially high. Moreover, these court-ordered restrictions have created inefficiencies which prevent customers from receiving lowest cost services which could be easily added to the local system. In addition, the regional companies have been unable to participate in efforts to reduce the growing deficit we suffer in telecommunications equipment trade.

My bill would remove those restrictions, while preserving reasonable protections against cross-subsidies and ensuring that companies competing with the regional companies will be given fair and reasonable access to the local networks to offer their services.

Rural telephone service has been hardest hit by divestitures. To preserve universal service in these areas, three important practices have been in effect—first, the averaging of all long-distance tolls; second, the pooling of common carrier contributions to local service for "non-traffic sensitive" [NTS] costs; and third, a universal service fund to ensure that small, rural telephone companies are able to

recover enough of their costs to stay in business. While the FCC and AT&T have claimed that they "have no plans" to seek the dismantling of toll-rate averaging, testimony at recent hearings has indicated that toll-rate averaging could be abandoned to "meet market place demands." Of more immediate concern, several regional telephone companies have filed proposed plans with the FCC to effectively withdraw from the common carrier line pool agreements. And, with the possibility of movement away from averaged charges nationwide, the universal service fund now in place would be in jeopardy.

My bill preserves these three efficient, fair systems—toll rate averaging, common carrier line pooling, and a strong universal service fund for small, rural companies—all vital to preserving affordable rural telephone service.

This bill will not significantly reverse the national trend toward deregulation of our expanding telecommunications economy. The bill eases regulations that are mostly counterproductive, while restoring some strength to our commitment to universal telephone service for all customers, especially those in rural areas.

This legislation has the strong support of the National Telephone Cooperative Association. I encourage my colleagues to cosponsor this effort to correct many of the problems that face our constituents since the breakup of AT&T.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

#### S. 2362

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Telecommunications Equity Act of 1986".*

#### FINDINGS

Sec. 2. The Congress finds that—

(1) the public interest is served by a national telecommunications system which provides efficient, affordable local telephone service and emerging telecommunications opportunities for all residential and business users;

(2) the transition from a monopoly telephone system to a fully competitive environment has produced customer confusion, fears about rapidly increasing telephone rates, and uncertainty for all sectors of the telephone industry;

(3) the continued availability of affordable universal telephone service requires that all exchange carriers be viable businesses in order to fulfill the commitment to such service;

(4) such economic viability is threatened by Federal policies and other restrictions which place Bell operating companies and small and rural carriers at a disadvantage in providing customers with affordable telephone services and new telecommunications technologies;

(5) economic growth and international competitiveness of the United States telecommunications industry are important and vital to—

(A) the long-term research and development projects and programs of the United States telecommunications industry;

(B) the rapid development and introduction into the marketplace of new and innovative telecommunications equipment and services for United States residential and business telecommunications users;

(C) the development of efficient, reliable, and state-of-the-art telecommunications networks to serve the needs of United States telecommunications consumers; and

(D) the maximizing of employment opportunities for United States workers in the telecommunications industry.

#### DEFINITIONS

SEC. 3. For purposes of this Act—

(1) the term "Bell operating companies" has the same meaning as such term has in the Modification Final Judgment entered August 24, 1982, the United States v. Western Electric, Civil Action No. 82-0192 (United States District Court, District of Columbia), except that such term does not include any centralized organization for the provision of engineering, research, and administrative services, the cost of which are shared by such operating companies or the affiliates of such companies;

(2) the term "information services" has the same meaning as such term has in such Modification;

(3) the term "electronic publishing" has the same meaning as such term has in such Modification;

(4) the term "telecommunications equipment" has the same meaning as such term has in such Modification, except that such term includes customer premises equipment (as defined in such Modification); and

(5) the term "Commission" means the Federal Communications Commission.

#### AUTHORITY TO PROVIDE INFORMATION SERVICES AND TO MANUFACTURE TELECOMMUNICATIONS EQUIPMENT

SEC. 4. A Bell operating company may engage in the provision of information services or in the manufacture of telecommunications equipment, or both, in accordance with the provisions of this Act.

#### AUTHORITY TO REGULATE

SEC. 5. (a)(1) No later than ninety days after the date of enactment of this Act, the Commission shall promulgate such rules and regulations with regard to charges, practices, and classifications of information services and the manufacture of telecommunications equipment as the Commission determines necessary.

(2) For the purposes of this subsection the term "information services" shall not include electronic publishing.

(b) Rules and regulations promulgated under subsection (a) shall apply to a Bell operating company only after the Commission determines, after consultation with the Secretary of Commerce and the United States Attorney General, that there is not a substantial possibility that any Bell operating company could impede competition in the information services or telecommunications equipment manufacturing business.

(c) A Bell operating company may engage in the provision of information services pursuant to the authority granted in section 4, if the Commission determines, after notice to and opportunity for comment by interested parties, that the provision of the infor-

mation service in question shall not harm competition and is required by the public interest. In determining whether a Bell operating company application for the provision of an information service should be granted, the Commission shall consider—

- (1) the impact on competition;
- (2) the appropriate safeguards to prevent competitive injury;
- (3) the conduct of the applicant in providing equal access and reasonably requested interconnection to other providers of telecommunications services;
- (4) the interests of monopoly ratepayers and competitors in preventing the cross subsidization of the proposed information services; and
- (5) the benefits that would result from provision by the applicant of such information service.

#### REPORT ON EMPLOYMENT IMPACT

SEC. 6. (a) The Commission shall annually assess the impact of this Act on employment in the telecommunications equipment manufacturing and information services industries. The Commission shall include in its annual report to Congress pursuant to section 5(g) of the Communications Act of 1934 (47 U.S.C. 155(g)) a summary of the results of the assessment which shall contain—

- (1) a description of negotiations and other actions taken by the Bell operating companies to—

(A) increase employment in the United States within the telecommunications industry as a result of this act;

(B) reduce direct and indirect adverse effects on employment in the telecommunications industry that may result from engaging in new business operations as a result of this Act; and

(2) an estimate, developed in consultation with the Department of Labor, of net changes in employment as a result of this Act, together with a breakdown of the data used in developing such estimate.

(b) The Commission shall, in conducting the assessment required by subsection (a), provide interested persons the opportunity to present written and oral comment on matters to be included in the report required by such subsection.

#### ACCESS CHARGES

SEC. 7. (a) The Commission shall suspend the order on subscriber line charges No. 97-F.C.C. 2d 834 (1984) until—

(1) the Commission reports to Congress regarding consumer benefits derived from existing end-user allocations; and

(2) Congress approves such order by joint resolution. (b) Such report shall include—

the degree to which bypass of local exchange carrier services is caused by the allocation of nontraffic sensitive costs of connecting interexchange carriers to local exchange customers;

the economic harm caused to local exchange carrier operations as a result of such bypass;

the degree to which interexchange carriers have reduced and can be expected to further reduce customer long distance charges as a result of current and proposed end-user charges;

the effectiveness of existing and proposed charges in assisting exchange carriers reduce economically harmful instances of bypass by preserving primary use of the local exchange by large-volume business customers;

net benefits derived from current and proposed end-user charges for residential and business customers—

(A) served by both dominant and other competing interexchange carrier; and

(B) served only by a dominant interexchange carrier; and

(C) which make few or no interexchange toll calls; and

(6) the potential reduction in the aggregate number of local telephone customers resulting from federally-mandated end-user charges and any other charges occurring because of Federal end-user charges.

#### PROHIBITION ON TOLL RATE DE-AVERAGING

SEC. 8. The Commission may not approve any tariff or petition, issue any ruling or promulgate any regulation which directly or indirectly results in de-averaging of interexchange tolls.

#### BYPASS

SEC. 9. The Commission may not approve any tariff request or other petition, issue any ruling, or promulgate any regulation which increases the bypass of local exchange services by any user, unless—

- (1) the Commission documents that such bypass results in net benefits for all customers; and
- (2) no local rate increases will occur.

#### CARRIER COMMON LINE POOLING

SEC. 10. The Commission may not approve any plan which permits any exchange carrier to withdraw from—

(1) the carrier common line pooling agreement administered by the National Exchange Carrier Association; or

(2) any other carrier common line pooling agreement in effect on the date of enactment of this Act.

#### UNIVERSAL SERVICE FUND

SEC. 11. The federal access charge plan should include adequate support for small, rural telephone systems through a universal service fund which is targeted to ensure that rural telephone rates remain reasonable and affordable.

#### ALTERNATIVE INTEREXCHANGE SERVICES

SEC. 12. (a) No later than one hundred and eighty days after the date of enactment of this Act, the Commission shall report to Congress on the economic benefits of permitting local exchange carriers to provide interexchange service in areas where equal access has been provided in accordance with the modified final judgment cited in section 3(1).

- (b) Such study shall include the —
- (1) effect on competition and economic viability of dominant and other interexchange carriers; and
- (2) potential benefits for local customers not served by other interexchange carriers.●

#### ADDITIONAL COSPONSORS

##### S. 2108

At the request of Mr. KASTEN, the names of the Senator from Virginia [Mr. TRIBLE], the Senator from Florida [Mrs. HAWKINS], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 2108, a bill to provide that Federal tax reform legislation shall not take effect before January 1, 1987.

##### S. 2152

At the request of Mr. DIXON, the names of the Senator from Delaware [Mr. ROTH], the Senator from Illinois [Mr. SIMON], the Senator from Iowa [Mr. GRASSLEY], the Senator from

Iowa [Mr. HARKIN], the Senator from Wisconsin [Mr. PROXMIER], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 2152, a bill to amend title 10, United States Code, to require the Department of Defense to exclude from consideration for contracts those firms in which a hostile foreign government or a covered foreign national owns or controls a significant interest.

##### S. 2284

At the request of Mr. NICKLES, the name of the Senator from Missouri [Mr. EAGLETON] was added as a cosponsor of S. 2284, a bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to take certain actions to minimize the adverse effect of the milk production termination program on beef, pork, and lamb producers, and for other purposes.

##### S. 2350

At the request of Mr. ABDNOR, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 2350, a bill to extend the period for filing a claim for credit or refund of Federal income taxes with respect to certain changes made by the Consolidated Omnibus Reconciliation Act of 1985 with respect to insolvent farmers.

#### SENATE JOINT RESOLUTION 274

At the request of Mr. GRASSLEY, the names of the Senator from Iowa [Mr. HARKIN], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 274, a joint resolution to designate the weekend of August 1, 1986, through August 3, 1986, as "National Family Reunion Weekend."

#### SENATE JOINT RESOLUTION 300

At the request of Mr. ZORINSKY, his name was added as a cosponsor of Senate Joint Resolution 300, a joint resolution to recognize and honor 350 years of service of the National Guard.

#### SENATE JOINT RESOLUTION 310

At the request of Mr. HELMS, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of Senate Joint Resolution 310, a joint resolution to proclaim June 15, 1986, through June 21, 1986, as "National Agricultural Export Week."

#### SENATE CONCURRENT RESOLUTION 125

At the request of Mr. HEINZ, the names of the Senator from North Dakota [Mr. ANDREWS], the Senator from Wisconsin [Mr. KASTEN], the Senator from North Carolina [Mr. HELMS], the Senator from Virginia [Mr. TRIBLE], the Senator from Texas [Mr. GRAMM], the Senator from Montana [Mr. BAUCUS], the Senator from New Mexico [Mr. DOMENICI], the Senator from South Dakota [Mr. ABDNOR], the Senator from Wyoming



[Mr. SIMPSON], the Senator from Idaho [Mr. McCLELLAN], the Senator from Missouri [Mr. DANFORTH], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Oklahoma [Mr. BOREN], the Senator from Texas [Mr. BENTSEN], and the Senator from Alaska [Mr. STEVENS], were added as cosponsors of Senate Concurrent Resolution 125, a concurrent resolution recognizing the achievements of the Ireland Fund and its founder, Dr. Anthony J.F. O'Reilly.

## SENATE RESOLUTION 364

At the request of Mr. BUMPERS, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of Senate Resolution 364, a resolution to express the sense of the Senate relating to taxation of the small businesses of the Nation.

## SENATE RESOLUTION 374

At the request of Mr. FORD, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Resolution 374, a resolution limiting the amount that may be expended by Senators for mass mailings during the remainder of fiscal year 1986.

## SENATE RESOLUTION 387—AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. DOMENICI (for Mr. DOLE, for himself and Mr. BYRD and Mr. ABDONR) submitted the following resolution; which was considered and agreed to:

## S. Res. 387

Whereas, a Federal grand jury in the United States District Court for the District of Columbia is currently investigating possible violations of 18 U.S.C. § 1001;

Whereas, counsel for the United States has served a subpoena for the taking of testimony upon David F. Zorensky, a member of the staff of the Committee on Commerce, Science, and Transportation;

Whereas, pursuant to sections 703(a) and 704(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a) (1982), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena or order relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony of employees of the Senate concerning information acquired in the course of their official duties is needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistent with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent David F. Zorensky in connection with his testimony in *In Re Possible Violations of 18 U.S.C. § 1001*.

SEC. 2. That David F. Zorensky is authorized to testify before the grand jury and in any subsequent proceedings in *In Re Possible Violations of 18 U.S.C. § 1001* (D.D.C.), except concerning matters for which a privilege from testifying should be asserted.

## AMENDMENTS SUBMITTED

## FIRST CONCURRENT RESOLUTION ON THE BUDGET

## DOMENICI (AND CHILES) AMENDMENT NO. 1797

Mr. DOMENICI (for himself and Mr. CHILES) proposed an amendment, which was subsequently modified, to the concurrent resolution (S. Con. Res. 120) setting forth the congressional budget for the U.S. Government for the fiscal years 1987, 1988, and 1989; as follows:

On page 2, decrease the amount on line 3 by \$4,063,000,000.

On page 2, decrease the amount on line 4 by \$6,242,000,000.

On page 2, decrease the amount on line 5 by \$8,408,000,000.

On page 2, decrease the amount on line 8 by \$4,063,000,000.

On page 2, decrease the amount on line 9 by \$6,242,000,000.

On page 2, decrease the amount on line 10 by \$8,408,000,000.

On page 2, decrease the amount on line 19 by \$4,455,000,000.

On page 2, decrease the amount on line 20 by \$8,299,000,000.

On page 2, decrease the amount on line 21 by \$10,904,000,000.

On page 2, decrease the amount on line 24 by \$4,063,000,000.

On page 2, decrease the amount on line 25 by \$6,242,000,000.

On page 3, decrease the amount on line 1 by \$8,408,000,000.

On page 5, decrease the amount on line 5 by \$4,063,000,000.

On page 5, decrease the amount on line 6 by \$6,242,000,000.

On page 5, decrease the amount on line 7 by \$8,408,000,000.

On page 5, decrease the amount on line 10 by \$4,455,000,000.

On page 5, decrease the amount on line 11 by \$8,299,000,000.

On page 5, decrease the amount on line 12 by \$10,904,000,000.

On page 5, decrease the amount on line 15 by \$4,063,000,000.

On page 5, decrease the amount on line 16 by \$6,242,000,000.

On page 5, decrease the amount on line 17 by \$8,408,000,000.

On page 7, increase the amount on line 12 by \$729,000,000.

On page 7, increase the amount on line 13 by \$140,000,000.

On page 7, increase the amount on line 21 by \$586,000,000.

On page 7, increase the amount on line 22 by \$223,000,000.

On page 8, increase the amount on line 6 by \$121,000,000.

On page 8, increase the amount on line 7 by \$268,000,000.

On page 8, decrease the amount on line 16 by \$80,000,000.

On page 8, decrease the amount on line 17 by \$80,000,000.

On page 8, decrease the amount on line 24 by \$80,000,000.

On page 8, decrease the amount on line 25 by \$80,000,000.

On page 9, decrease the amount on line 7 by \$80,000,000.

On page 9, decrease the amount on line 8 by \$80,000,000.

On page 9, decrease the amount on line 16 by \$369,000,000.

On page 9, decrease the amount on line 17 by \$300,000,000.

On page 9, decrease the amount on line 25 by \$653,000,000.

On page 10, decrease the amount on line 1 by \$635,000,000.

On page 10, decrease the amount on line 9 by \$1,002,000,000.

On page 10, decrease the amount on line 10 by \$1,004,000,000.

On page 10, decrease the amount on line 19 by \$847,000,000.

On page 10, decrease the amount on line 20 by \$140,000,000.

On page 11, decrease the amount on line 4 by \$1,447,000,000.

On page 11, decrease the amount on line 5 by \$246,000,000.

On page 11, decrease the amount on line 13 by \$2,047,000,000.

On page 11, decrease the amount on line 14 by \$603,000,000.

On page 11, decrease the amount on line 23 by \$368,000,000.

On page 11, decrease the amount on line 24 by \$321,000,000.

On page 12, decrease the amount on line 8 by \$510,000,000.

On page 12, decrease the amount on line 9 by \$540,000,000.

On page 12, decrease the amount on line 17 by \$605,000,000.

On page 12, decrease the amount on line 18 by \$666,000,000.

On page 13, decrease the amount on line 2 by \$347,000,000.

On page 13, decrease the amount on line 3 by \$1,851,000,000.

On page 13, decrease the amount on line 11 by \$2,465,000,000.

On page 13, decrease the amount on line 12 by \$2,645,000,000.

On page 13, decrease the amount on line 20 by \$3,056,000,000.

On page 13, decrease the amount on line 21 by \$3,214,000,000.

On page 14, decrease the amount on line 5 by \$915,000,000.

On page 14, decrease the amount on line 6 by \$708,000,000.

On page 14, decrease the amount on line 14 by \$977,000,000.

On page 14, decrease the amount on line 15 by \$758,000,000.

On page 14, decrease the amount on line 23 by \$1,077,000,000.

On page 14, decrease the amount on line 24 by \$930,000,000.

On page 15, decrease the amount on line 9 by \$961,000,000.

On page 15, decrease the amount on line 10 by \$85,000,000.

On page 15, decrease the amount on line 18 by \$725,000,000.

On page 15, decrease the amount on line 19 by \$174,000,000.

On page 16, decrease the amount on line 2 by \$1,075,000,000.

On page 16, decrease the amount on line 3 by \$633,000,000.

On page 16, decrease the amount on line 13 by \$815,000,000.

On page 16, decrease the amount on line 14 by \$396,000,000.

On page 16, decrease the amount on line 22 by \$819,000,000.

On page 16, decrease the amount on line 23 by \$856,000,000.

On page 17, decrease the amount on line 6 by \$819,000,000.

On page 17, decrease the amount on line 7 by \$932,000,000.

On page 17, decrease the amount on line 16 by \$177,000,000.

On page 17, decrease the amount on line 17 by \$180,000,000.

On page 17, decrease the amount on line 24 by \$117,000,000.

On page 17, decrease the amount on line 25 by \$136,000,000.

On page 18, decrease the amount on line 7 by \$117,000,000.

On page 18, decrease the amount on line 8 by \$137,000,000.

On page 19, decrease the amount on line 18 by \$789,000,000.

On page 19, decrease the amount on line 19 by \$103,000,000.

On page 20, decrease the amount on line 3 by \$819,000,000.

On page 20, decrease the amount on line 4 by \$119,000,000.

On page 20, decrease the amount on line 13 by \$839,000,000.

On page 20, decrease the amount on line 14 by \$167,000,000.

On page 23, decrease the amount on line 2 by \$413,000,000.

On page 23, decrease the amount on line 3 by \$352,000,000.

On page 23, decrease the amount on line 10 by \$411,000,000.

On page 23, decrease the amount on line 11 by \$414,000,000.

On page 23, decrease the amount on line 18 by \$409,000,000.

On page 23, decrease the amount on line 19 by \$411,000,000.

On page 24, decrease the amount on line 2 by \$20,000,000.

On page 24, decrease the amount on line 3 by \$20,000,000.

On page 26, increase the amount on line 3 by \$163,000,000.

On page 26, increase the amount on line 4 by \$163,000,000.

On page 26, increase the amount on line 12 by \$138,000,000.

On page 26, increase the amount on line 13 by \$138,000,000.

On page 26, increase the amount on line 21 by \$101,000,000.

On page 26, increase the amount on line 22 by \$101,000,000.

On page 29, increase the amount on line 24 by \$252,000,000.

On page 29, increase the amount on line 25 by \$252,000,000.

On page 29, increase the first amount on line 26 by \$275,000,000.

On page 29, increase the second amount on line 26 by \$275,000,000.

On page 30, increase the amount on line 1 by \$280,000,000.

On page 30, increase the amount on line 2 by \$280,000,000.

On page 33, decrease the amount on line 13 by \$4,063,000,000.

On page 33, decrease the first amount on line 14 by \$6,242,000,000.

On page 33, decrease the second amount on line 14 by \$8,408,000,000.

On page 35, increase the amount on line 11 by \$159,000,000.

On page 35, increase the amount on line 12 by \$46,000,000.

On page 35, decrease the first amount on line 13 by \$501,000,000.

On page 35, decrease the second amount on line 13 by \$566,000,000.

On page 35, decrease the amount on line 14 by \$1,025,000,000.

On page 35, decrease the amount on line 15 by \$1,171,000,000.

On page 36, increase the amount on line 20 by \$252,000,000.

On page 36, increase the amount on line 21 by \$252,000,000.

On page 36, increase the first amount on line 22 by \$275,000,000.

On page 36, increase the second amount on line 22 by \$275,000,000.

On page 36, increase the amount on line 23 by \$280,000,000.

On page 36, increase the amount on line 24 by \$280,000,000.

On page 42, increase the amount on line 15 by \$159,000,000.

On page 42, increase the amount on line 16 by \$46,000,000.

On page 42, decrease the first amount on line 17 by \$501,000,000.

On page 42, decrease the second amount on line 17 by \$566,000,000.

On page 42, decrease the amount on line 18 by \$1,025,000,000.

On page 42, decrease the amount on line 19 by \$1,171,000,000.

On page 44, decrease the amount on line 6 by \$4,063,000,000.

On page 44, decrease the first amount on line 7 by \$6,242,000,000.

On page 44, decrease the second amount on line 7 by \$8,408,000,000.

On page 44, after line 21, insert the following:

#### SENSE OF THE CONGRESS

SEC. 4. It is the sense of the Congress that \$4,343,000,000 of the spending (outlay) reductions, in fiscal year 1987 assumed in this concurrent resolution should be achieved through program terminations and significant program reductions, as proposed by the President's budget request for fiscal year 1987, affecting the following programs: Export-Import Bank direct loans; OPIC insurance programs; advanced communications technology satellite; Rural Electrification Administration subsidies; weatherization assistance programs; EPA sewage treatment grants; soil conservation programs; LANDSAT; sea grant and coastal zone management; Department of Agriculture extension service; temporary emergency food and shelter; Federal crop insurance program; trade adjustment assistance to firms; U.S. Travel and Tourism Administration; postal subsidy; rural housing loans; Small Business Administration; Section 202 housing; Amtrak; Interstate Commerce Commission; Washington Metro; Maritime Cargo Preference Expansion; Appalachian Regional Commission; Economic Development Administration; Urban Development Action Grants; rental housing development grants (HODAG-RRG); Section 312 rehabilitation loan fund; Section 108 loan guarantee program; Rural development program; SBA disaster loans; Community service block grant; Impact aid (Part B); Library programs; Small higher education programs; State student incentive grants; College housing loans; Public health service (health profession subsidies); FEMA supplemental food and shelter; Section 8 moderate rehabilitation; Rural housing grants; Legal Services Corporation; Justice grants; Public debt reimbursement to Federal Reserve Banks.

#### SENSE OF THE CONGRESS

SEC. 4. TERMINATION AND REDUCTION OF PROGRAMS.—It is the sense of the Congress

that \$4,343,000,000 of the spending (outlay) reductions in fiscal year 1987 assumed in this concurrent resolution should be achieved through program terminations and significant program reductions in 43 areas, as proposed by the President's budget request for fiscal year 1987, affecting the following programs: Export-Import Bank direct loans; OPIC insurance programs; advanced communications technology satellite; Rural Electrification Administration subsidies; weatherization assistance programs; EPA sewage treatment grants; soil conservation programs; LANDSAT; sea grant and coastal zone management; Department of Agriculture extension service; temporary emergency food and shelter; Federal crop insurance program; trade adjustment assistance to firms; U.S. Travel and Tourism Administration; postal subsidy; rural housing loans; Small Business Administration; Section 202 housing; Amtrak; Interstate Commerce Commission; Washington Metro; Maritime Cargo Preference Expansion; Appalachian Regional Commission; Economic Development Administration; Urban Development Action Grants; rental housing development grants (HODAG-RRG); Section 312 rehabilitation loan fund; Section 108 loan guarantee program; Rural development program; SBA disaster loans; Community service block grant; Impact aid (Part B); Library programs; Small higher education programs; State student incentive grants; College housing loans; Public health service (health profession subsidies); FEMA supplemental food and shelter; Section 8 moderate rehabilitation; Rural housing grants; Legal Services Corporation; Justice grants; Public debt reimbursement to Federal Reserve Banks.

#### ANDREWS (AND OTHERS) AMENDMENT NO. 1798

Mr. ANDREWS (for himself, Mr. HOLLINGS, Mr. STAFFORD, Mr. LAUTENBERG, Mr. WEICKER, Mr. BRADLEY, Mr. D'AMATO, Mr. DODD, Mr. SPECTER, Mr. MOYNIHAN, Mr. PRESSLER, Mr. PELL, Mr. MATHIAS, Mr. MELCHER, Mr. DANFORTH, Mr. KERRY, Mr. MITCHELL, Mr. SIMON, Mr. MATSUNAGA, Mr. BURDICK, Mr. LEVIN, Mr. KENNEDY, Mr. LEAHY, Mr. SARBANES, Mr. ROCKEFELLER, Mr. FORD, Mr. METZENBAUM, Mr. INOUE, Mr. BOREN, Mr. BINGAMAN, Mr. DURENBERGER, Mr. RIEGLE, Mr. BUMPERS, Mr. PRYOR, Mr. BYRD and Mr. ABDONR) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 120, supra; as follows:

On page 2, increase the amount on line 3 by \$300,000,000.

On page 2, increase the amount on line 4 by \$1,100,000,000.

On page 2, increase the amount on line 5 by \$1,500,000,000.

On page 2, increase the amount on line 8 by \$300,000,000.

On page 2, increase the amount on line 9 by \$1,100,000,000.

On page 2, increase the amount on line 10 by \$1,500,000,000.

On page 2, increase the amount on line 19 by \$1,200,000,000.

On page 2, increase the amount on line 20 by \$1,500,000,000.

On page 2, increase the amount on line 21 by \$1,500,000,000.



On page 2, increase the amount on line 24 by \$300,000,000.

On page 2, increase the amount on line 25 by \$1,100,000,000.

On page 3, increase the amount on line 1 by \$1,500,000,000.

On page 5, increase the amount on line 5 by \$300,000,000.

On page 5, increase the amount on line 6 by \$1,100,000,000.

On page 5, increase the amount on line 7 by \$1,500,000,000.

On page 5, increase the amount on line 10 by \$1,200,000,000.

On page 5, increase the amount on line 11 by \$1,500,000,000.

On page 5, increase the amount on line 12 by \$1,500,000,000.

On page 5, increase the amount on line 15 by \$300,000,000.

On page 5, increase the amount on line 16 by \$1,100,000,000.

On page 5, increase the amount on line 17 by \$1,500,000,000.

On page 16, increase the amount on line 13 by \$1,200,000,000.

On page 16, increase the amount on line 14 by \$300,000,000.

On page 16, increase the amount on line 22 by \$1,500,000,000.

On page 16, increase the amount on line 23 by \$1,100,000,000.

On page 17, increase the amount on line 6 by \$1,500,000,000.

On page 17, increase the amount on line 7 by \$1,500,000,000.

On page 33, increase the amount on line 13 by \$300,000,000.

On page 33, increase the first amount on line 14 by \$1,100,000,000.

On page 33, increase the second amount on line 14 by \$1,500,000,000.

On page 44, increase the amount on line 6 by \$300,000,000.

On page 44, increase the first amount on line 7 by \$1,100,000,000.

On page 44, increase the second amount on line 7 by \$1,500,000,000.

## RECOGNITION OF THE VITAL ROLE OF THE NATIONAL GUARD AND THE RESERVE

### WILSON (AND GOLDWATER) AMENDMENT NO. 1799

Mr. WILSON (for himself and Mr. GOLDWATER) proposed an amendment to the joint resolution (H.J. Res. 220) to reaffirm Congress' support and recognition of the vital role played by members of the National Guard and Reserve in the national defense; as follows:

At the end of the joint resolution, add the following new section:

"SEC. 2. Extension of Deadline Relating to Obligation of Funds from Military Personnel Accounts of the Department of Defense

"Notwithstanding any other provision of law, until, but not after, June 1, 1986, obligations from the Department of Defense military personnel accounts may exceed a rate in excess of the rate required to limit total obligations to the obligation ceilings established by law for such accounts for fiscal year 1986."

## FIRST CONCURRENT RESOLUTION ON THE BUDGET

### MOYNIHAN (AND OTHERS) AMENDMENT NO. 1800

Mr. MOYNIHAN (for himself, Mr. SASSER, Mr. BYRD, Mr. HEINZ, Mr. SPECTER, Mr. RIEGLE, Mr. JOHNSTON, Mr. PRYOR, Mr. LAUTENBERG, Mr. MELCHER, Mr. METZENBAUM, Mr. FORD, Mr. HART, Mr. GORE, Mr. KERRY, Mr. ANDREWS, Mr. DIXON, Mr. ROCKEFELLER, Mr. SARBANES, Mr. HEFLIN, Mr. INOUE, Mrs. HAWKINS, Mr. BURDICK, and Mr. DeCONCINI) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 120, supra; as follows:

On page 44, strike out line 9 through line 21 and insert in lieu thereof the following:

#### GENERAL REVENUE SHARING

SEC. 3. Upon the enactment of—  
(1) legislation authorizing budget authority of up to \$4,600,000,000 annually for the General Revenue Sharing program for any or all of the fiscal years 1987, 1988, and 1989, and

(2) legislation increasing revenues for any fiscal year for which outlays are to be made under such budget authority by an amount that is—

(A) not less than the amount of the outlays to be made for such fiscal year under such budget authority, and

(B) in addition to the amounts of increased revenues required to be reported pursuant to section 2 of this concurrent resolution for such fiscal year,

the authorized amounts of budget authority and outlays for such program shall be allocated to the Senate Committees on Appropriations and Finance, as appropriate for such fiscal year, and such amounts shall be added to the total amounts of budget authority and outlays provided for in the applicable concurrent resolution.

## NOTICES OF HEARINGS

### COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee has rescheduled its hearing on the implementation of title XVIII of Public Law 99-272, the Reconciliation Act, for Monday, April 28, 1986. The hearing will commence at 11 a.m., and will be held in room 428A of the Russell Senate Office Building. For further information, please call Bob Wilson, chief counsel for the committee at 224-5175.

### SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will be holding a hearing on the following bills:

On Wednesday, May 7, 1986, in Senate Dirksen 124, at 2 p.m., on S. 2260, to settle certain claims arising out of activities on the Pine Ridge Indian Reservation, and S. 2243, a bill to improve the health status of native

Hawaiians, and for other purposes. Those wishing additional information on these bills should contact Patricia Zell of the committee at 224-2251.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, April 23, 1986, in order to conduct a hearing on the nomination on Frank H. Dunkle, to be Director, U.S. Fish and Wildlife Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, April 23, to hold a business meeting to consider the following: S. 1225, Price-Anderson Act amendments of 1985; the nominations of William F. Martin to be Deputy Secretary of Energy, and David B. Waller, to be Assistant Secretary of Energy for International Affairs and Energy Emergencies.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON MILITARY CONSTRUCTION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Military Construction of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 23, in executive session, to hold a business meeting to consider recommendations on homeplotting.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON DEFENSE ACQUISITION POLICY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Defense Acquisition Policy, of the Committee on Armed Services, be authorized to meet during the session of the Senate on Wednesday, April 23, 1986, in order to mark up the following bills, S. 2082, S. 2151, and S. 2196.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 23, in order to receive testimony concerning the following nominations:

## U.S. DISTRICT JUDGE

Andrew J. Kleinfeld, of Alaska, to be U.S. district judge for the district of Alaska.

## ASSISTANT ATTORNEY GENERAL

Roger Milton Olsen, of Virginia, to be an Assistant Attorney General (Tax Division).

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, April 23, to conduct a hearing on the National Aeronautics and Space Administration reauthorization.

Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, April 23, to conduct a hearing on the nomination of Dr. James C. Fletcher, to be Administrator of the National Aeronautics and Space Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## SDI DISCLOSURE

● Mr. JOHNSTON. Mr. President, on March 19, three other Senators and I wrote Senator DURENBERGER, chairman of the Select Committee on Intelligence, and asked him to investigate two reports concerning the Strategic Defense Initiative Organization. The first report, based on a statement by an SDI officer, was that the SDIO may have given the Soviet Union a classified briefing on the SDI program. The second report from the March 17 issue of Aviation Week and Space Technology was that the SDIO may have used Congress and the media as part of a disinformation campaign to provide the Soviets with false or misleading data about U.S. strategic defense research.

On April 9, Senators DURENBERGER and LEAHY, the chairman and vice chairman of the Select Committee on Intelligence, provided us a copy of General Abrahamson's answers to the questions we raised in our letter to the select committee. These answers coupled with General Abrahamson's remarks in a recent closed hearing afford what I think is a reasonable explanation of what happened in Geneva and satisfy me that there is no cause for concern about what was divulged to the Soviets about the SDI program. Moreover, General Abra-

hamson's unequivocal denial of SDI involvement in any deliberate disinformation program with respect to the Congress or the media satisfies my concerns in this regard.

Even the suspicion of such a disinformation program that misleads elected officials and the free press is a serious matter that deserves immediate investigation. The article in Aviation Week and Space Technology certainly calls the issue into question with respect to SDI and other programs as well. General Abrahamson's answers, because they are so forthright and unequivocal, have settled questions I had of an SDI disinformation program aimed at the Soviets via the Congress and the media. My colleagues should read General Abrahamson's responses and decide for themselves.

Mr. President, I ask that the letter of April 9, 1986, from Senator DURENBERGER and Senator LEAHY to me; a letter dated March 31, 1986, from Lieutenant General Abrahamson to Senator DURENBERGER; and a statement by General Abrahamson to the Select Committee on Intelligence including his responses to several questions all be included in the RECORD.

The material follows:

U.S. SENATE,  
SELECT COMMITTEE ON INTELLIGENCE,  
Washington, DC, April 9, 1986.

HON. J. BENNETT JOHNSTON,  
Committee on Appropriations,  
U.S. Senate, Washington, DC.

DEAR BENNETT: We are pleased to forward to you a copy of General Abrahamson's responses to questions raised in your letters of March 19 and 24 on the subject of the Strategic Defense Initiative Organization. Please let us know if we can be of further help to you.

Sincerely,

DAVE DURENBERGER,  
Chairman.  
PATRICK LEAHY,  
Vice Chairman.

DEPARTMENT OF DEFENSE, STRATEGIC  
DEFENSE INITIATIVE ORGANIZA-  
TION,

Washington, DC, March 31, 1986.

HON. DAVE DURENBERGER,  
Chairman, Select Committee on Intelli-  
gence, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letters of 20 and 26 March requesting a response to questions from the Senate Select Committee on Intelligence. I appreciate the opportunity to address the Committee's concerns for the record.

I would like to take the occasion of your request to respectfully respond to allegations that the Strategic Defense Initiative Organization (SDIO) has been involved in a disinformation campaign. I have enclosed for the Committee's record my formal statement to these charges. I would like to assure you and the members of your committee that I have never engaged in, nor has anyone in the Strategic Defense Initiative Organization engaged in, any purposeful attempt to misinform the U.S. Congress, the American people, or the news media.

Two years ago when the Strategic Defense Initiative Organization was formed, we

made an organizational commitment to present the nation with a forthright assessment of the present strategic situation and the ability of the SDI program to affect a positive return to stability. We have kept our program open to close public scrutiny at home and abroad for the simple reason that we believe that the facts will make the case for strategic defense. My enclosed statement should leave you with little doubt that I fully intend to continue to present the SDI program as candidly as is appropriate within the constraints of security consideration.

Again, thank you for your letters and for the opportunity to respond to your requests.

Sincerely,

JAMES A. ABRAHAMSON,  
Lieutenant General, USAF, Director,  
Strategic Defense Initiative Organiza-  
tion.

STATEMENT BY LT. GEN. JAMES A. ABRAHAMSON TO SELECT COMMITTEE ON INTELLIGENCE, U.S. SENATE

I would like to formally respond to allegations that SDIO is involved in a disinformation program. I must emphatically state that SDIO is not engaged in any program to misinform the U.S. Congress, the American public, or the U.S. news media. I would personally reject any suggestion to conduct such activity and I am deeply concerned that there have been allegations to the contrary.

As you well know, SDIO has various compartmented programs that have valid non-compartmented aspects and that are identified by those noncompartmented aspects. Accordingly, the full scope of these programs is not publicly disclosed. These security procedures serve to protect highly sensitive national security information. My reporting of these SDI activities, which require congressional oversight, has been conducted with all candor and accuracy. My public statements and statements to the news media have been made in the same spirit. I and my entire organization, as members of the U.S. Government, place the highest value on an open and free press—free from both control and manipulation by the Government. Although properly classified information is of course withheld from the public, we are scrupulous to ensure that the information which is released is entirely accurate and as complete as possible.

Question. Did SDIO officials in fact give Soviet officials a classified briefing on the Strategic Defense Initiative?

Answer. On June 27, 1985, the U.S. Defense and Space Negotiating Group held an official post-plenary meeting with their Soviet counterparts. At that meeting a technical overview of the SDI program, at an unclassified level, was formally presented. In attendance was Lt. General Abrahamson, Director, SDIO. His briefing was delivered by Rodney P. Liesveld, Major, USAF, who is both a member of the U.S. NST Delegation and a member of General Abrahamson's staff. General Abrahamson answered the Soviet negotiators' questions following the briefing. The briefing was officially sanctioned by the U.S. Government for this event and received interagency approval prior to its delivery. The USG places a high value on a frank and candid dialogue in these negotiations and seeks such reciprocity from the Soviet Union. It was in this spirit that the SDI briefing was given. A few days after the briefing the "Senate Observers Group" was in Geneva and were fully in-



formed of the briefing. Because the briefing was held during an official post-plenary meeting, the transcript of that proceeding was classified, as are all such official deliberations to ensure the US-USSR agreed rules of confidentiality.

The classification of the arms control proceedings is based upon an agreement of the parties that discussions will be kept secret to promote a frank and open exchange. Such classification is therefore derived from the setting, as opposed to the contents of information exchanged. Specifically, the classification is based upon a determination that public disclosure of the negotiating record contrary to our agreement with the Soviet Union would cause damage to the foreign relations of the United States as provided in Executive Order 12356. When removed from the context of the negotiating record, the same information may be entirely unclassified.

**Question.** Was this classified briefing the same one given to Members of Congress?

**Answer.** During many open hearings before Congress in 1984-1985, similar briefings were given by Lt. General Abrahamson. However, no SDI classified technical information that has been presented to Congressional closed hearings has ever been given to the Soviet Union.

**Question.** If classified information was given to the Soviets, what was the scope of that information and how much detail of SDI research was provided?

**Answer.** No SDI classified information was given to the Soviets.

**Question.** If this information was provided to the Soviets, why can't it be provided to the American people?

**Answer.** All SDI information provided to the Soviets has been, or is, available to the American people.

**Question.** If the classified briefing for the Soviets was the same one given to Congress, should the briefing given Congress have been answered in the first place.

**Answer.** No SDI classified information has been provided to the Soviets.

**Question.** On February 14, 1986, SDIO classified a report by the General Accounting Office on the Strategic Defense Initiative Organization, its financial structure, and its programs. The GAO report, however, was compiled entirely from unclassified sources. If the Soviets, in fact, have already received a classified briefing on the SDI program, was this GAO report improperly classified?

**Answer.** The GAO report has not been improperly classified. Those areas in the GAO report that are classified are not related to the information in the SDI briefing to the Soviet negotiators.

**Question.** Has Congress and the press served as a conduit for disinformation on SDI research? If so, what kind of false or misleading data have been provided to the Congress?

**Answer.**

(a) No!

(b) No false nor misleading data has been provided to the Congress. Furthermore, under no circumstances would the SDIO intentionally misinform the U.S. Congress, the American people, or the U.S. news media.

**Question.** Has Congress been misled on the true progress of SDI research as a result of attempts to mislead the Soviet Union? Have "channels on the Hill" been used, as the Aviation Week article indicates, to correct the disinformation? (Aviation Week, March 17, 1986)

**Answer.** Congress has not been misled, and the SDI briefing to the Soviet negotiations was not an attempt to mislead the Soviet Union? (See answer to Question #1.)

**Question.** Under what circumstances have the Soviets been given or would they be given valid classified information kept from the American people, particularly on the Strategic Defense Initiative?

**Answer.** SDIO has not provided valid classified information to the Soviet Union. Any decision as to the types and substance of information on the SDI which might be given to the Soviet Union is not my responsibility, and I have no authority to ever approve such activity.

**Question.** If such information is passed to the Soviets, is it thereafter declassified? If not, why not?

**Answer.** The decision on what SDI information can be openly released always depends on the impact on U.S. security. At this time it is impossible for me to know what the circumstances may be surrounding Soviet access to SDI data. If SDI classified information were to be provided to the Soviet Union, it would not automatically be declassified if it could be used by other inimical governments to the detriment of U.S. national security.●

#### THE SERVICE CONTRACT REFORM ACT OF 1986

● **Mr. HUMPHREY.** Mr. President, on March 27, 1986, I introduced the Service Contract Reform Act of 1986, along with my colleagues, Senators HECHT, THURMOND, and EAST. This reform bill, S. 2261, would correct many problems that currently plague the Service Contract Act. The purpose of the act, when it was adopted by Congress in 1965, was to prevent exploitation of workers by unscrupulous employers seeking Government service contracts. But unfortunately, over the years, the law was misapplied and misinterpreted. The calculations and paperwork it requires have become overwhelming. S. 2261 would create greater competition among service contract bidders, effect substantial cost savings in light of our current budget deficit, and let service employee wages reflect the true prevailing wages in the marketplace. I would urge my colleagues to join in sponsoring this measure which makes realistic reforms to the Service Contract Act.

The Chamber of Commerce of the United States of America has illustrated its great commitment to free enterprise and competition in the work place through its support of S. 2261. Last week, I received a letter from Mr. Richard L. Leshner, president of the chamber of commerce, fully endorsing the reform measures of S. 2261. I ask that the letter of support from Mr. Leshner be printed in the RECORD.

The letter follows:

CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA,  
Washington, DC, April 11, 1986.

Hon. GORDON J. HUMPHREY,  
U.S. Senate,  
Washington, DC.

DEAR GORDON: I would like to commend you for introducing S. 2261, the "Service Contract Reform Act of 1986." Your leadership on this issue will focus attention on an area where significant cost savings can be achieved without sacrificing vital government programs or services.

The Service Contract Act, like the Davis-Bacon Act, requires employers providing services to the federal government to pay "prevailing wages." As you have noted so eloquently, this Act has proven to be both inefficient and inflationary. It restricts competitive bidding and small business participation, unduly increases costs to the federal government and taxpayers, and impedes the hiring of youth, minorities and women. Numerous public and private sector studies have urged the outright repeal of this antiquated statute.

Barring outright repeal of the Service Contract Act, the Chamber supports your efforts to make common sense modifications to the law, as are contained in S. 2261. Please know that you can count on our support with your legislation.

As you may know, our preference would be to repeal the Service Contract Act. Nevertheless, we strongly support S. 2261 as a reasonable compromise.

Sincerely,

RICHARD L. LESHNER.●

#### TAIWAN'S INDIGENOUS DESIGN FIGHTER

● **Mr. GOLDWATER.** Mr. President, there is a rather encouraging report in the current issue of Aviation Week & Space Technology of plans for development by the Republic of China of an indigenous high performance fighter. I use the word "encouraging" because the self defense of Taiwan is so important to the deterrent capability of all non-Communist nations in Northeast Asia.

The report also indicates, however, that there is no U.S. Government involvement in the program and that administration officials continue their refusal to provide the ROC with aircraft more advanced than the F-5E.

Two days ago Peking voted in the United Nations for a resolution to condemn United States air strikes against terrorist related targets in Libya. Communist China would have labeled the United States as a terrorist nation. In gratitude for this typical show of hostility by Red China, the administration is pushing for an illusory strategic alliance with Peking founded on the supply of modern United States technology and weapons, the latest proposal being the sale of advanced avionics for installation in the F-8 fighter.

Mr. President, I cannot understand this kowtowing to Communist China. Why does the United States shun its true friends and turn to totalitarian societies who regularly condemn us, even to the point of condemning the

United States as a terrorist state. Instead of trying to build a defense alliance where no basis for one exists, it would be far more fitting for the United States to care for the safety and freedom of its friends, who have always proved ready to support us in every way possible.

The correct response to the dramatic increase of Soviet air and naval activities in the Pacific Ocean is for the United States to approve sales to the ROC of the F-20 and other modern equipment for the effective patrol and defense of the sealanes guarded by Taiwan. As retired Gen. T.R. Milton has observed:

It must be a continuing source of frustration for Soviet military planners to be reminded that Taiwan guards the U.S.S.R.'s route to Vietnam and beyond.

Surely our Government's strategists must recognize that the island, in Peking's hands, would almost certainly be off limits to United States forces. Even a neutral government on Taiwan would offer nightmares for United States military planners.

Yet our Government does not show an adequate understanding of Taiwan's military importance. Instead, we continue pursuing a will-of-the-wisp in the form of a military and strategic relationship with Red China. At least the 19 million free citizens of the Republic of China on Taiwan care for their own security and are doing something about it. I truly hope that their indigenous fighter program is successful, but it would seem better if the United States would also provide the ROC directly with first line replacements for its aging fleet of F-5E's and F-104's.

Mr. President, I ask that the news report may appear in the RECORD.

The article follows:

[From Aviation Week & Space Technology, Apr. 21, 1986]

#### TAIWAN STRESSES DEVELOPMENT OF NEW DOMESTIC FIGHTER

WASHINGTON.—Development of an indigenous-design high-performance fighter has been accorded a high priority by the Taiwanese government as a means of maintaining stability in the region and developing Taiwan's aeronautical industry.

Taiwanese engineers are applying conventional design and low-risk technologies in the single-seat fighter, which will have moderately swept wings, flaperons and long leading-edge strakes blending the wing and the elliptical fuselage. The aircraft will have a single vertical stabilizer and a fuselage-mounted all-moving horizontal tail plane.

Preliminary design is nearing completion, pending further wind tunnel tests in Taiwan and in the U.S.

Budget for the fighter program is not fixed, but is tightly controlled by the government.

High priority allows Taiwan's Aero Industry Development Center (AIDC) to obtain personnel resources, although finding experienced engineers and technicians remains a problem.

Use of forward canard or delta wing configurations for the new fighter was rejected

because they would provide insufficient stability over the expected mission envelope.

Use of advanced composite materials will be considered after completion of full-scale development with metal components and assemblies.

Twin turbofan engines producing about 8,350 lb. thrust each with afterburner will allow the fighter to exceed Mach 1.2. Intakes will have fixed semicircular inlets.

Engine development is being conducted under a joint venture begun in 1982 by Garrett Corp. and the Aero Industry Development Center.

The new engine is based on the Garrett 3,500-lb.-thrust TFE731-2L originally licensed for export and coproduction in Taiwan and used in Taiwan's AT-3 two-place trainer.

Garrett and its Taiwanese counterparts have assembled and tested as many as four prototypes of a new version based on the TFE731-5 engine with dry thrust increased to over 5,000 lb.

Range and payload will be similar to those of the Northrop F-5E now in service with the Taiwanese air force.

The cockpit will be equipped with a head-up display and modern electronic displays and flight controls, reclined seat for high-g flight and a bubble canopy. Eventual production of a two-seat trainer version is planned.

Line-replaceable avionics units will be procured off the shelf in most cases, but a new radar system is being planned that will use off-the-shelf components wherever possible.

The new fighter will replace Taiwan's Lockheed F-104s in the air defense mission to deal with the threat posed by a new generation of advanced fighters flown by the People's Republic of China air force.

U.S. political conservatives and supporters of Taiwan have proposed that the Reagan Administration sell Taiwan advanced U.S. fighters, but Administration officials are unwilling to break commitments made to the PRC not to provide aircraft more advanced than the F-5E.

Administration officials underline the absence of any U.S. government involvement in the program.

#### U.S. CONTRACTS

Aero Industry Development Center, as the prime contractor, has contracted with a number of U.S. aerospace firms for consultation on aerodynamics, static structural testing and for the use of facilities including wind tunnels.

Program directors expect subcontract management will be the biggest factor affecting project managers' ability to meet the 1989 prototype first flight deadline and budget targets.

"The schedule will be tough to hold," an engineer familiar with the program said. ●

#### BRING HOME THE HOSTAGES

● Mr. SIMON. Mr. President, last week we were again reminded of the Lebanon hostages. We join the families of Peter Kilburn, Leigh Douglas, and Philip Padfield in mourning their deaths.

Their murders are claimed to be in retaliation for the attack on Libya by the United States with the cooperation of Great Britain. We must condemn the Libyan faction responsible for their deaths.

The kidnappings were clearly in violation of international human rights law. Article 3 of the Universal Declaration of Human Rights and the International Covenant of Civil and Political Rights states that every person has the right to life, liberty, and security of the person. Clearly the hostages in Lebanon have been deprived of these basic human rights.

The families of the hostages have suffered greatly throughout the hostage crisis. We extend our deepest consolation and sympathy to the families although we recognize that consolation and sympathy cannot allay their grief and their pain.

What can we do?

We can stand by these families and support their courageous struggle to turn unbearable loss into bearable sorrow.

We can condemn violence and brutality against innocent civilians whether it is practiced by individuals or governments.

We can work together to develop productive common approaches to combat terrorism and isolate terrorists.

We can work for the cause of peace, and the day when, in the words of Isaiah, "One nation shall not raise the sword against another, nor shall they train for war again."

Most of all we can remember that there are still hostages being held in Lebanon. And we can redouble our efforts to secure their safe release.

Terry Waite's efforts continue. And he has urged the families to retain hope, despite the rising tensions in the region.

Let us renew our efforts. Let us each commit ourselves and our resources to securing the safe release of Father Lawrence Martin Jenco, Terry Anderson, David Jacobsen, Thomas Sutherland, and William Buckley.

I urge my colleagues to continue to denounce terrorism and to concentrate efforts toward the release of these men. Let us work toward the day when we can once again travel safely to foreign countries and establish peaceful relations with our foreign neighbors.

Mr. President, I am enclosing a copy of a guest editorial which appeared in today's USA Today. It is written by Eric Jacobsen, son of hostage David Jacobsen and discusses the tragedy of Peter Kilburn's death. I ask that it be inserted into the RECORD.

The article follows:

PETER KILBURN SHOULD NOT BE DEAD TODAY  
(By Eric D. Jacobsen)

HUNTINGTON BEACH, CALIF.—Peter Kilburn is dead. We had 16 months to prevent his death, and we failed.

The families of the hostages held in Lebanon failed. The people of the USA failed. President Reagan failed. The men responsible for Peter's abduction and execution failed. But only Peter Kilburn pays the ultimate price for our failure.



At this very moment, somewhere in Lebanon, a similar threat of failure literally points a gun to the heads of Father Martin Jenco, Terry Anderson, David Jacobsen, Thomas Sutherland, and Alec Collett. Do we do what is necessary to prevent another tragedy of this magnitude, or do we turn our heads and put our fingers in our ears?

We had 16 months to save Peter's life. Longer than the time needed to bring home the hostages from Iran, TWA, and Achille Lauro combined.

My father wrote Nov. 8: "Quiet diplomacy has not resulted in the release of a single hostage in two years. William Buckley is presumed dead. He could and should be alive if there had been a reasonable effort made on his behalf."

Peter Kilburn and William Buckley were not just names on a list of hostages. None of the innocent men still held deserve to be treated as such. It's too easy to sacrifice a list of names. Imagine the roles reversed. It's the only way to get the proper perspective.

If President Reagan was chained to a wall in a small, windowless room, he would call for negotiations. If the captors became the captives, they would pray for immediate release. If any of us were seized and held hostage, we would all beg not to be forgotten. These men deserve nothing more than what any of us would expect to be done on our behalf.

All of us fear—justifiably—that we may become the next innocent victim of an act of terrorism. Now is the time to set the precedent that could save our lives should that happen. First save the present hostages, then save future hostages.

Otherwise, God forbid, should another of us fall victim to a fate similar to that of my father and the others, we will receive the same treatment they have received. Some of us will receive the same treatment Peter Kilburn received.

Raise your voice amongst yourselves and say, "Peter Kilburn and William Buckley should not be dead today!"

Raise your voice to President Reagan and say, "These men are our fellow Americans. Don't sacrifice them."

Raise your voice to the captors and say, "In the compassionate mercy of our God, release these innocent men!"

Raise your voice to God almighty and say, "Father, if it be your will, send these innocent men home safely to their families, friends, and country." ●

#### AMERICAN AGRICULTURE AND THE EEC

● Mr. ABDNOR. Mr. President, in 1981 American agriculture exports climbed to a record level of \$44 billion. Since that time the American farmer has been put through an economic wringer of high interest rates, an overvalued domestic currency, excess production, and falling land values. According to current USDA estimates, this year's farm exports are projected to total no more than \$28 billion, and falling. Mismanaged American foreign policies, most particularly the grain embargo, combined with European agricultural subsidies have resulted in the loss of some of our farm export markets, both in Europe and within the developing world.

For the last 10 years American agricultural policy has revolved around maintaining high commodity prices and reducing acreage production. And while we have been providing our competitors with a de facto price umbrella, the European Community has responded by subsidizing their exports and attempting to displace our goods in foreign markets. Because of the dramatic decline in farm exports, the Food and Security Act of 1985 was written with the intent of changing the course of the Government's farm policies. Better financing, export subsidies, and lower loan rates were all measures designed to improve the competitive position of American agricultural products in world markets. In response to the anticipated effectiveness of these policies, the Europeans have already had to raise their value added tax, supplementing their export war chest by an additional billion dollars.

The European Community has used since the signing of the Treaty of Rome a combination of farm support policies which included high domestic prices, export subsidies and import tariffs in order to keep a significant portion of their population on the land. While we have attempted to implement responsible policies, the Europeans have consistently bowed to domestic politics, sometimes at the expense of undercutting our export markets. I am convinced, Mr. President, that the high debt-to-asset ratios, falling land values and low incomes that plague the American farmer can be directly traced to the unfair trade practices of the European Economic Community. And compounding the problem, the entry of Portugal and Spain into the Community threatens to deny the American farmer yet an additional billion dollars in farm export sales.

I have not come here today to engage in what has become the popular practice of ally bashing, nor did I come here today to threaten Europe with trade wars. In many I am a little envious of the support European politicians give to their rural communities. However, I would like to remind the members of the Community that they cannot continue to have it both ways. They cannot continue to protect domestic markets yet expanded through direct subsidies their export markets. This double standard can only in the long run be harmful to both their agricultural community and to ours. ●

#### HIGHER EDUCATION

● Mr. SIMON. Mr. President, we will soon consider a bill reauthorizing the Higher Education Act of 1965. This bill—reported by the Committee on Labor and Human Resources—has been the subject of extensive hearings by the Subcommittee on Education,

Arts and Humanities and subjected to intense review during both the subcommittee and full committee mark-ups. I am especially pleased to serve on the committee with my colleagues, the distinguished senior Senators from Vermont, Mr. STAFFORD, and from Rhode Island, Mr. PELL. Together, during the past 17 years, they have shared the chairmanship of the Senate Education Subcommittee. They have also shared the mantle of Senate leadership in the field of higher education.

S. 1965, the Higher Education Act Amendments of 1985, represents a strong, bipartisan attempt to address some of higher education's basic problems, while continuing the Federal Government's commitment to access, choice, and equal opportunity in higher education. The bill addresses the following issues:

##### REFOCUSING STUDENT AID ON THE NEEDY

New requirements affecting the Supplemental Educational Opportunity Grant program will require that SEOG's be awarded to "exceptionally needy" students and that priority in awarding those grants be given to Pell grant recipients. Pell grants will be limited to families with incomes of \$30,000 or less.

##### ENHANCING QUALITY

The bill retains the "ability to benefit" provision for students without a high school diploma or GED certificate, but strengthens the current "satisfactory academic progress" requirement by mandating that any student receiving title IV assistance be making progress toward a degree or certificate, and that he or she obtain at least a C average or a grade-point level consistent with the institution's own requirements for graduation. The bill also contains new provisions to assist colleges and universities improve their libraries, rehabilitate and construct new academic facilities, and acquire new instrumentation for research and instruction.

##### ESTABLISHING A MORE EQUITABLE BALANCE BETWEEN LOAN AND GRANT ASSISTANCE

The bill places a renewed emphasis on making grant assistance available to low- and middle-income students by increasing the maximum Pell grant award to \$2,400—or 60 percent of the cost of attendance—and increasing that amount by \$200 each year. The maximum SEOG would also be increased from the current \$2,000 to \$3,000. College work study funding would emphasize career relevant and community service work opportunities.

##### IMPROVING THE APPLICATION AND AWARD OF TITLE IV AID

The master calendar, recommended by the National Commission on Student Financial Assistance, is included in S. 1965, along with a statutory "need analysis" for Pell grants. A second need analysis for the campus-

base programs and the Guaranteed Student Loan Program would be established by the Secretary of Education, working with a National Advisory Committee on Student Financial Assistance, within statutory parameters included in the bill. The bill also permits families with income of \$15,000 and less to use a short form, with five data elements, to apply for title IV assistance.

While our access mission is within reach, and we have made progress toward achieving some measure of choice—our equal opportunity objective has eluded our grasp. The fourth annual status report on "Minorities in Higher Education" by the American Council on Education's Office of Minority Concerns provides adequate evidence of how far we have come, and how far we must still go to establish equity and full equality of opportunity in American higher education.

Some have questioned our resolve in pursuing the goal of bringing minorities and women into higher education, at all levels, including the professoriate. An article in the *Philadelphia Inquirer* on November 12, 1985, makes clear the critical nature of the problem we face.

I am pleased that two institutions of higher education in my State have led the way in providing access to careers in the health area, including medical doctors, and in engineering. The University of Illinois at Chicago and the Illinois Institute of Technology have been pioneers in expanding opportunities for minorities in the health professions and in engineering.

I hope my colleagues will take the time to familiarize themselves with the quality, program effectiveness, and financing issues which permeate this reauthorization. It is also my sincere hope that each of you will also concern yourself with fulfilling our mutual commitment to equal opportunity in higher education.

Mr. President, I ask that the November 12, 1985, article be printed in the *RECORD*.

The article follows:

[From the *Philadelphia Inquirer*, Nov. 12, 1985]

FOR SOME, COLLEGE DREAM ENDED  
(By H. Patrick Swygert)

The report on the declining number of black students in medical schools across the nation is one more piece of evidence that the tide is going out on the important gains made by blacks in higher education over the last decade.

According to the U.S. Census Bureau, the proportion of black high school graduates enrolling in colleges and universities has dropped from 34 percent in 1976 to 27 percent in 1983—even while the percentage of college-age blacks has been at an all-time high.

Translated into raw numbers, the statistics mean that 8,000 fewer blacks were enrolled in colleges in 1983, although there were a half-million more black high school graduates that year than in 1976.

At the graduate level, the situation is even grimmer. In 1983, the 325 institutions that award doctorates in the United States granted a total of 31,190 doctorates, but only 1,000 of these advanced degrees—less than 3 percent—went to black students. This discouraging statistic should be viewed against the stark backdrop of a precipitous 10 percent drop in the number of blacks receiving doctorate degrees in the three-year period from 1981 to 1983.

The reasons for these gloomy trends in higher education are not difficult to identify. Many colleges have cut back recruitment and remediation programs. The cost of attending colleges and graduate and professional schools has increased much more than the general rate of inflation, and government funds for financial aid have not kept pace.

At the same time, Washington continues to threaten less, not more, financial aid. Only five years ago, Temple University was able to meet almost 100 percent of the demonstrated need of all its students through a mix of federal and state funds and Temple grants. This year, only 56 percent of that need can be met, even though Temple has substantially increased its grants.

Although the financial aid problem affects all disadvantaged students, it falls more heavily on the black population because of the large gap between average black and white family incomes.

The decline in black access to higher learning could not come at a worse time. The nation's economy is being transformed rapidly. Almost all economic growth is in the service and high-tech areas. The number of jobs available to those without a college education—no matter how motivated—shrinks each year. The American dream is quickly becoming beyond the reach of most young people who do not graduate from college or receive some form of specialized training beyond high school.

That is the bad news. Closer to home, there are a few rays of hope.

Some local colleges and universities are trying to reverse the decline. At Temple, for example, we launched a program that turned around the steady decline in the number of blacks attending our medical school. Because the School of Medicine has always had an effective recruitment program, the number of qualified blacks accepted by the school has remained high. However, the number of blacks actually enrolling in the medical school has steadily declined, due in large measure to the lack of financial resources.

The medical school responded by offering, on a racially nondiscriminatory basis, scholarships to the 25 most needy students accepted for admission. This program helped financially disadvantaged students of all races, but it also helped make possible an entering class this year with the most black students in a decade.

The commonwealth instituted a similar program following suggestions made by Temple in 1983. On the initiative of the state's secretary of education, the legislature this year is providing \$360,000 in scholarship funds for graduates of Lincoln and Cheyney Universities who attend graduate or professional school at Temple, the University of Pittsburgh or Pennsylvania State University. This money serves the dual purpose of enhancing Lincoln and Cheyney and assisting qualified graduates in pursuing professional and graduate education.

These praiseworthy efforts are unfortunately too few in number. Twenty years ago,

the Kerner Commission warned that we could become two nations, "one black and one white, separate and unequal." Despite the enormous advances of the last two decades much remains to be done if our country is to avoid that ill-fated destiny.

The demography of higher education—particularly graduate and professional education—demands our attention now. Scholars receiving doctorate degrees in the near future will form the college faculties of the 1990s and into the 21st century. As a nation, we must move forcefully and fairly to ensure that America's great dream of educational opportunity will not be extinguished.

#### ADVANCE NOTIFICATION PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of \$50 million or, in the case of major defense equipment as defined in the act, those in excess of \$14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Committee on Foreign Relations.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. I ask that the official notification will be printed in the *RECORD* in accordance with previous practice.

I wish to inform Members of the Senate that such a notification has been received.

Interested Senators may inquire as to the details of this advance notification at the office of the Committee on Foreign Relations, room SD-423.

The material follows:

#### DEFENSE SECURITY ASSISTANCE AGENCY,

Washington, DC, April 22, 1986.

[In reply refer to: I-01866/86ct]

Dr. M. GRAEME BANNERMAN,  
Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR DR. BANNERMAN: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b)(1) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country for major defense equipment tentatively estimated to cost \$14 million or more.

Sincerely,

PHILIP C. GAST,  
Director. ●



### BILINGUAL EDUCATION ESSAY AWARDS

● Mr. SIMON. Mr. President, I would like to bring three award winning essays to the attention of my colleagues. The essays were written by young people who have all participated in bilingual education programs. The winning essays were announced at the annual convention of the National Association for Bilingual Education [NABE] in Chicago on April 3, 1986. The three young students all wrote on the topic "Being Bilingual in America: What Will the Future Hold for Me?" Each essay is an eloquent testament to the pride of the bilingual student, both in their native language and culture, and in their ability to communicate and live in an English-speaking culture. They represent the successes of bilingual education, successes of intercultural understanding, and are hopeful representatives of the dreams we all hold for the next generation. They are young people to be proud of, and they are proud of themselves, their heritage and their country—our country.

I ask that the three NABE essays be included in the RECORD at this point.

The essays follow:

SONIA A. ZELEDON, GRADE 5, DUVAL  
ELEMENTARY SCHOOL, GAINESVILLE, FL

I came to the U.S.A. with my family in search of a new life. For me the most important thing so far has been to learn English, the language of the country where I now live.

My first day of school was very exciting. I didn't know any English but I was ready to learn. One year later, I can talk and write English and Spanish. I have a lot of American friends.

For me speaking, reading and writing two languages is like I was two people at the same time. Now I can call and write to my country in Spanish and also I can talk and write to my friends in America in English. I feel proud of myself and for my good luck.

In the future as a bilingual I would like to be a lawyer, study hard to get a good job and with the learning of the two languages help the English and the Spanish speaking people with their problems and help make America a better country for all. I think the future will be very good for me in America as a bilingual person.

NELLY VALVERDE, GRADE 6, INTERMEDIATE  
SCHOOL 151, BRONX, NY

I have great expectations for what the future holds for me and for my generation as a bilingual human being.

The Bilingual Program is helping me to widen my knowledge to gain the necessary skills to live comfortably in the future. Learning two languages and two cultures is helping me to better understand my family, my teachers, my peers and my Spanish culture as well as the American culture around me.

Being bilingual is like being two different people sharing one body and one soul at the same time. Knowing more than one language and one culture makes me more sensitive and unique. I can feel, talk, love, laugh, understand and react to two different cul-

tures and languages as well. It makes me feel good and happy about myself.

The knowledge of two languages cushions my steps from one culture to the other. It helps soften my growing pains. I wish that all the children could have the same opportunity as I have. To be able to talk, to read and write in two different languages is a wonderful experience. I also wish that they learn as many languages as they can. To see, feel, love and understand other cultures with the eyes of a child is a great experience.

I am grateful to my bilingual teachers and the government for giving me the opportunity to keep and observe my language and culture while learning a second language and culture as well. This is my best inheritance. Living in a multilingual and multicultural city like New York provides me with greater opportunities to advance in the future.

I am eleven years old now. By the year 2000 I will be 25. I wish to be a decent member of our society. I want to be a bilingual teacher. I expect to get a good job and to be able to help the next generation as I have been helped. I have faith in the intelligent judgment of our government. I pray to God that there will always be bilingual programs.

DEBORAH REED, GRADE 10, OAKS MISSION  
SCHOOL, OAKS, OKLAHOMA

Being able to speak in my native tongue is an important part of my heritage, but being able to speak English is just as important.

An Indian lives in two worlds. In school, work, and sometimes play, an Indian is in a white world. At home and with relatives an Indian is in his own world. A world of a different language, different ideas, and often different beliefs.

The Indian people should not shun ideas just because they were thought of by a white person. Neither should a white person shut out an Indian's thoughts. They are two different people; therefore, they are supposed to have different thoughts.

My mother once told me that she had spoken Cherokee all her life until she went to school. There, she was forced to learn a new language. My mother is not bilingual. She is not sorry that she had to learn English; in fact, she is glad she had to. It makes me sad to learn that today, my mother also thinks in English, to me it is something she has lost.

As time passes, it seems that there are fewer and fewer people speaking their native language. Children are now taught English first; a native language is taught in schools as a second language instead of being taught at home as it used to be. We are losing something. Many do not see it because it is happening gradually from generation to generation.

I do not know what the future holds for me or for the generations to come, but I will try my hardest not to lose this gift of knowing my Indian language.

There are other people at my school who speak their native language. Some might look down on them, but I feel a deep respect for their parents. Parents who know the value of pride in oneself, have pride in themselves. This will help them many times in the future. Pride is an important thing to have, not only in yourself, but in your parents and lineage. Indians have a fierce pride in themselves. Their forefathers were the true Americans. They are the ones who truly belong in America, but they welcomed people to their land. Now they are losing it.

We will always be unsure of the future, but we do know one thing; no matter who you are the future does have something in store for you. Not always good, but rarely terrible. Hold onto what you have; you may gain more tomorrow.●

### NAUM AND INNA MEIMAN: ISOLATED IN MOSCOW

● Mr. SIMON. Mr. President, Naum and Inna Meiman are a lovely couple who want desperately to leave their native Soviet Union. Naum applied to emigrate over 10 years ago and has been harassed ever since. He married Inna in 1981. Together, they have bravely lived under troubling conditions.

Inna is critically ill with cancer. Naum is getting older. He is 74. The Meimans have little time left to enjoy the land of their ancestors but they must be given the chance to breathe the air of Israel. Inna must be given the basic right to the best and most modern medical treatment available. Since the Soviet doctors have told her there is nothing further that they can do, it is time to allow doctors in the West who have the technology to treat her.

I strongly encourage the Soviet authorities to grant permission to the Meimans to emigrate to Israel.●

### ORDERS FOR TOMORROW

RECESS UNTIL 10 A.M.

Mr. DOMENICI. Mr. President, I ask unanimous consent on behalf of the majority leader, that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. DOMENICI. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order, there be special orders in favor of the following Senators for not to exceed 5 minutes each: HAWKINS, CRANSTON, PROXMIRE, and MOYNIHAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that, following the special orders, there be a period for the transaction of routine morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PROGRAM

Mr. DOMENICI. Following routine morning business, the Senate will return to consideration of Senate Resolution 120, the budget resolution.

There will be votes on Thursday. It will be the intention of the majority leader to ask that the Senate not be in on Friday this week if an agreement can be reached to reduce the statutory time limitation allotted to the budget resolution by 12 hours.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The hour of 4 p.m. having arrived, it will take unanimous consent to continue.

Mr. BYRD. Mr. President, I ask unanimous consent that we proceed for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I say to the distinguished acting majority leader that I hope we can reach an agreement with respect to Friday. I doubt that we can reach an agreement with respect to 12 hours, however. I certainly want to help if I can in

making an arrangement. I doubt that, if no agreement is entered into, the Senate would be on this subject for 12 hours on Friday. Whatever a reasonable amount of hours may be, I hope we can reach an agreement on that by tomorrow.

Mr. DOMENICI. I thank the distinguished minority leader. Certainly the majority leader will take his statements into account and I shall remind him, having been here when it was stated.

#### RECESS UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 10 a.m. tomorrow.

Thereupon, at 4:01 p.m., the Senate recessed until Thursday, April 24, 1986, at 10 a.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate April 23, 1986:

##### THE JUDICIARY

Kenneth L. Ryskamp, of Florida, to be U.S. district judge for the southern district of Florida.

##### DEPARTMENT OF JUSTICE

Joe D. Whitley, of Georgia to be U.S. attorney for the middle district of Georgia for the term of 4 years.

##### FOREIGN SERVICE

Foreign Service nominations beginning Marshall D. Brown, and ending Robert A. Riccio, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 12, 1986.